

EIGHTEENTH DAY

(Monday, October 25, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Harris of Dickens
Adkins	Hartzog
Alexander	Heflin
Alsup	Herzik
Amos	Holland
Anderson	Hoskins
Baker	Howard
Bates	Huddleston
Beckworth	Hull
Bell	Hyder
Blankenship	Jackson
Boethel	Johnson of Ellis
Bond	Johnson
Boyer	of Tarrant
Bradbury	Jones of Angelina
Bradford	Jones of Atascosa
Bridgers	Jones of Falls
Broadfoot	Jones of Wise
Brown	Keefe
Burton	Keith
Cagle	Kelt
Callan	Kenyon
Carssow	Kern
Cathey	King
Cauthorn	Knetsch
Celaya	Langdon
Cleveland	Lankford
Colquitt	Lanning
Davis of Haskell	Leath
Davis of Jasper	Lehman
Davison of Fisher	Leonard
Davisson	Leyendecker
of Eastland	Little
Dean	Loggins
Deglandon	London
Derden	Lucas
Dickison	Mann
Dollins	Mauritz
Donaghey	Mays
England	McConnell
Felty	McDonald
Fielden	McFarland
Fox	McKinney
Fuchs	Metcalfe
Gibson	Moffett
Graves	Monkhouse
Hamilton	Morris
Hankamer	Morse
Hanna	Nicholson
Harbin	Oliver
Hardin	Palmer
Harper	Patterson of Mills
Harrell	Patterson
Harris of Archer	of Travis
Harris of Dallas	Petsch

Pope	Smith of Hopkins
Powell	Smith
Prescott	of Matagorda
Quinn	Smith of Tarrant
Ragsdale	Stevenson
Reader	Stinson
Reed of Bowie	Stocks
Reed of Dallas	Talbert
Rhodes	Tarwater
Riddle	Tennant
Roark	Tennyson
Ross	Thornberry
Russell	Thornton
Schuenemann	Vale
Settle	Waggoner
Sewell	Weldon
Sharpe	Westbrook
Shell	Winfree
Simpson	Wood
Skaggs	Worley

Absent—Excused

Farmer	Newton
McKee	Rutta

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Rutta for today, on motion of Mr. Cauthorn.

The following Members were granted leaves of absence on account of illness:

Mr. Newton for today and tomorrow, on motion of Mr. Bell.

Mr. Farmer for today and tomorrow, on account of illness in his family, on motion of Mr. Amos.

Mr. McKee for today and tomorrow, on account of illness in his family, on motion of Mr. Harper.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Mauritz:

H. B. No. 169, A bill to be entitled "An Act amending Chapter 105, Special Laws of the Thirty-third Legislature, Regular Session, as amended by Chapter 55, Special Laws of the Forty-third Legislature, Second Called Session, by providing for the inclusion in Road District No. 10 of Jackson

County, Texas, certain territory now embraced in Road District No. 1 of said County; making provision for the retirement of all outstanding indebtedness chargeable against the territory hereby added to Road District No. 10; authorizing the levy of a tax against any portion of Road District No. 10 hereby created sufficient to retire its portion of any other bonds which are a charge upon any portion of said Road District No. 10; providing for the issuance of bonds in said Road District No. 10 hereby created, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

ADDITIONAL SIGNER OF HOUSE BILL NO. 166

By unanimous consent of the House, Mr. Settle was authorized to sign House Bill No. 166, as co-author of same.

TEXT OF RESOLUTION ADOPTED BY COUNTY JUDGES AND COMMISSIONERS ASSOCIATION OF TEXAS IN ANNUAL CONVENTION

On motion of Mr. Smith of Matagorda, the following resolution, adopted by the County Judges and Commissioners' Association of Texas, was ordered printed in the Journal:

(Resolution No. 17, Presented at the State Convention in Amarillo, by Judge Oscar Barber of Matagorda County.)

Whereas, A condition has arisen in connection with the school lands of Texas wherein it is becoming more and more apparent that great injustices and hardships are being imposed on the citizens of Texas, who are in possession of these lands in good faith and under deed over a period of time that extends back even as far as the date when this land was under the government of Mexico and subsequently the time that Texas was a Republic. Men, who in good faith under a deed or deeds, who have been in possession of these lands, on which taxes have been paid, in many instances as much as one hundred years; where their children and children's children have been raised, are now being ousted as the result of some vacancy hunter having filed application to declare the land vacant land, and to lease or purchase same; and

Whereas, If an oil well has been brought in within five miles of this land, those in possession under deed, are precluded by Article 5421c, Section 2 of Vernons Statutes from purchasing the land already held under deed, and on which a life's savings has been expended in the form of betterment and improvement; and

Whereas, In most instances the lease on the land is awarded to the vacancy hunter for a nominal consideration as a reward for his having found a vacancy, and the one in possession under claim of right and by deed is denied the right to even purchase the surface of this land; and

Whereas, It is the intent and purpose of all law to be just to its citizens, and to protect them in the possession of their homes; therefore, be it

Resolved by the County Judges and Commissioners' Association of Texas, in annual convention assembled at Amarillo, Texas, on October the 14th, 15th, and 16th, 1937:

I.

That Article 5421c, Sections 2 and 6 be amended so that where a vacancy is determined and said lands are under possession of one holding the same under deed or deeds for more than ten years and having paid taxes thereon, shall be entitled to notice of the establishment of such vacancy and to purchase said land in preference to any other purchaser, and for a nominal consideration, the State, however, reserving to itself one sixteenth of the royalty on oil, gas and minerals in and under same.

II.

That where the existence of a vacancy shall be litigated that the venue of such litigation shall be exclusively in the county in which the vacancy is alleged to exist.

III.

That vacancy hunters be discouraged, by the sale and/or lease of vacant lands, under such terms and conditions as, that the vacancy hunter has no preferential right to purchase such vacancy when same may be established; and, be it further

Resolved, That the Association bitterly opposes, and condemns the practice of those men, who, for the bettering of their own selfish interest, would be a party to a practice that would cause a fellow citizen to lose that home for which he and his family

have sacrificed a life of labor to build; and, be it further

Resolved, That a copy of this resolution be delivered to each body constituting the Legislature of Texas; to the Governor, the Attorney General and the Land Commissioner of Texas, and to the press of the State.

Resolution Committee,

O. C. Dancy, Cameron County,
Henry L. Carter, Smith County,
R. N. Stripling, San Augustine
County,

C. W. Massey, Brazoria County.

Attest:

Jake. J. Loy, Secy., County Judges
and Commissioners' Association of
Texas.

H. M. LaFont, President, County
Judges and Commissioners' Asso-
ciation of Texas.

SMITH of Matagorda,
LOGGINS.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

Austin, Texas

October 23, 1937

To the Members of the Forty-fifth
Legislature (2nd Called Session):

I hereby submit for your consid-
eration the matter of passing a soil
conservation bill to co-ordinate with
the Federal Act.

This is submitted in the hope, how-
ever, and with the recommendation
that it will not interfere with the
calendar on passage of adequate tax
measures.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

RELATIVE TO APPROPRIATION FOR STATE DEPARTMENTS

Mr. Lehman offered the following
resolution:

H. C. R. No. 47, Relative to ap-
propriation for State Departments.

On account of the fact that the
State of Texas is in a critical financial
state and that the taxpayers are heav-
ily burdened and no sign of relief in
sight; be it

Resolved, That in the event that the
Appropriations Committee of the
House of Representatives report
Senate Bill Number three (3) back
to the House of Representatives, that

they be instructed to report same
back with the instructions that it pass
with the following report:

Section I. That all appropriations,
therein, to be cut as follows, so that
all salaries of the employees on the
State payrolls be reduced according
to the following graduated scale and
that all traveling expenses be reduced
fifteen (15) per cent upon a basis
of the regular appropriation bill for
the Departments of State Government,
it being Senate Bill No. 138, Regular
Session, Forty-fifth Legislature:

Salaries ranging from:

\$10.00 to \$150.00	be reduced	3 %
150.00 to 200.00	be reduced	5 %
200.00 to 250.00	be reduced	7½ %
250.00 to 300.00	be reduced	10 %
300.00 to 350.00	be reduced	12½ %
350.00 and over	be reduced	15 %

Section II. The fact that this State
is in dire need of funds for the ad-
ministration of the government, and
that large savings can be made in the
appropriation bills creates an emer-
gency and a public necessity that jus-
tifies the suspension of the rule re-
quiring bills to be read on three sep-
arate days, and such rule is hereby
suspended and this resolution shall
take immediate effect from and after
its passage.

The resolution was read second
time.

Mr. Alsop raised a point of order,
on further consideration of the res-
olution, at this time, on the ground
that the resolution contains subject
matter not submitted by the
Governor.

The Speaker sustained the point of
order.

TO PROVIDE FOR ADDITIONAL APPROPRIATION FOR CER- TAIN COMMITTEE

Mr. Johnson of Ellis offered the fol-
lowing resolution:

H. S. R. No. 48, To provide for ad-
ditional appropriation for certain
committee.

Whereas, Resolutions No. 238 and
No. 265 of the Regular Session of the
Forty-fifth Legislature of Texas
created and sanctioned a committee
to investigate every activity of the
Eleemosynary Institutions and the
conduct of every employee thereof;
and

Whereas, This committee has be-
gun its investigation and has accumu-

lated much evidence and testimony to substantiate the original allegations of the above numbered resolutions; and

Whereas, In the event justice is done unto the State of Texas and the individuals of these institutions whose conduct is questionable according to the evidence possessed by the committee; and

Whereas, It is the desire of the committee to corroborate certain testimony and get more facts before making an official report to the Membership of this House, it is essential that the necessary finances be provided for the same; therefore, be it

Resolved by the Forty-fifth Legislature of the State of Texas, That Seven Hundred and Fifty (\$750.00) Dollars be appropriated out of the Contingent Expense Fund of the House for the purpose of carrying on the activities of this committee.

The resolution was read second time.

Mr. Hanna moved to table the resolution.

The motion to table prevailed.

TO URGE THE FEDERAL GOVERNMENT TO ESTABLISH A COTTON RESEARCH LABORATORY

Mr. Moffett offered the following resolution:

H. C. R. No. 50, To urge the Federal Government to establish a cotton research laboratory.

Whereas, The recent collapse in the price of cotton clearly shows beyond all reasonable doubt the urgent need for additional outlets and markets for cotton; and

Whereas, A special committee representing the Agricultural Committee of the United States Senate will visit Texas in the very near future for the express purpose of holding hearings and gathering ideas as to what the National Congress can and should do relative to the calamitous conditions existing throughout the cotton belt; and

Whereas, Said committee has requested expressions from interested parties; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we, the Members of the Forty-fifth Legislature of the State of Texas, urge the Federal Government to establish a well equipped cotton

research laboratory, or Cotton Research Institute, wherein new and expanded uses and outlets for cotton and its products may be searched out, discovered, and made available, to the end that vastly increased consumption of the principal agricultural product of at least ten southern states may find a more ready market, and thereby bring about an increase in the price of same, which will tend to lead to economic conditions commonly known as "parity" for the cotton producers; be it further

Resolved, That a copy of this resolution be filed with the above mentioned special committee representing the Agricultural Committee of the United States Senate, and that a copy be mailed to Secretary of Agriculture, Henry A. Wallace.

MOFFETT,
TARWATER,
ALEXANDER,
WORLEY,
JONES of Atascosa,
HARRIS of Archer,
HARRIS of Dickens,
FUCHS.

The resolution was read second time.

Mr. Hanna raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Moffett moved that the Rule, relative to the consideration of resolutions, be suspended until the pending resolution is disposed of.

The motion prevailed.

Question recurring on the resolution by Mr. Moffett, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—135

Adkins	Bradbury
Alexander	Bradford
Alsup	Bridgers
Amos	Broadfoot
Anderson	Brown
Baker	Burton
Bates	Cagle
Beckworth	Callan
Bell	Carssow
Blankenship	Cathey
Boethel	Cauthorn
Bond	Celaya
Boyer	Cleveland

Colquitt	Little
Davis of Haskell	London
Davis of Jasper	Lucas
Davison of Fisher	Mann
Davison	Mauritz
of Eastland	Mays
Dean	McConnell
Deglandon	McDonald
Derden	McFarland
Dickison	Metcalfe
Dollins	Moffett
Donaghey	Monkhouse
England	Morris
Felty	Nicholson
Fielden	Oliver
Fox	Palmer
Fuchs	Patterson
Gibson	of Travis
Graves	Powell
Hamilton	Prescott
Hankamer	Quinn
Hanna	Ragsdale
Harbin	Reader
Harbin	Reed of Bowie
Harper	Reed of Dallas
Harris of Archer	Rhodes
Harris of Dallas	Riddle
Harris of Dickens	Roark
Hartzog	Ross
Heflin	Russell
Herzik	Schuenemann
Hoskins	Settle
Howard	Sewell
Huddleston	Sharpe
Hull	Shell
Hyder	Simpson
Jackson	Skaggs
Johnson of Ellis	Smith of Hopkins
Johnson	Smith
of Tarrant	of Matagorda
Jones of Angelina	Smith of Tarrant
Jones of Atascosa	Stinson
Jones of Falls	Stocks
Jones of Wise	Talbert
Keefe	Tarwater
Keith	Tennant
Kelt	Tennyson
Kern	Thornberry
King	Thornton
Knetsch	Vale
Langdon	Waggoner
Lankford	Weldon
Lanning	Westbrook
Leath	Winfree
Lehman	Wood
Leonard	Worley
Leyendecker	

Absent

Harrell	Morse
Holland	Patterson of Mills
Kenyon	Petsch
Loggins	Pope
McKinney	Stevenson

Absent—Excused

Farmer	Newton
McKee	Rutta

MESSAGE FROM THE SENATE

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 23, A bill to be entitled "An Act to raise revenue for the Old Age Assistance Fund, Available School Fund, Destitute Children and Needy Blind Fund, Teacher's Retirement Fund, and the General Revenue Fund; amending Section 2, Subdivision 1, of Article 7057a of the Revised Civil Statutes of Texas, 1925, same being Section 2, Subdivision 1, Chapter 162, Acts of the Forty-third Legislature, 1933, as amended by the Acts of the First Called Session of the Forty-fourth Legislature, 1936, Chapter 495, Article 4, Section 4; amending Section 3, Chapter 73, Acts of the Regular Session of the Forty-second Legislature, as amended by the Acts of the Third Called Session of the Forty-fourth Legislature, Chapter 495, Article 4, Section 8; amending Section 8, Chapter 73, Acts of the Regular Session of the Forty-second Legislature; amending Section 45, Article 7047, Revised Civil Statutes of Texas, 1925, same being Acts of the Third Called Session of the Forty-fourth Legislature, 1936, Chapter 495, Article 4, Section 7; amending Section 40A, Article 7047, Revised Civil Statutes of Texas, 1925, as amended by the Acts of the Forty-second Legislature, 1931, page 355, Chapter 212, Section 1, as amended by Acts of 1936, Forty-fourth Legislature, Third Called Session, page 2040, Chapter 495, Article 4, Section 6; amending Article 111, Section 6, Acts of the Third Called Session of the Forty-fourth Legislature; amending Article 7070, Revised Civil Statutes of Texas, 1925, as amended, Acts of the Third Called Session of the Forty-fourth Legislature, 1936, Article 4, Section 1, House Bill No. 8, amending Article 7060, Revised Civil Statutes of Texas, 1925, as amended by Chapter 34, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Article IV, Section 3, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legisla-

ture; providing that the State shall have a prior lien for all taxes, penalties and interest levied herein; expressly preserving all taxes, penalties, and interest accruing by virtue of any reenacted or repealed provisions of this Act and declaring them to be legal and valid obligations to the State; allocating certain funds to Old Age Assistance Fund, to General Revenue, Available School Fund, Destitute Children's and Needy Blind Fund, and Teachers' Retirement Fund; declaring the Act to be severable; repealing all laws in conflict, and declaring an emergency." (With committee substitute.)

H. B. No. 87, A bill to be entitled "An Act amending Article 7059, Revised Civil Statutes of 1925, as amended by Acts of 1936 of the Forty-fourth Legislature, Third Called Session, page 2040, Chapter 495, Article 4, Section 2 and repealing all laws and parts of laws in conflict herewith and providing that if any portion of said Act is unconstitutional or invalid that same shall not affect any other portion, and declaring an emergency."

Concurred in House amendments to Senate Bill No. 13 by the following vote: Yeas, 29; nays, 0.

Concurred in House amendments to Senate Bill No. 9 by the following vote: Yeas, 29; nays, 0.

Concurred in House amendments to Senate Bill No. 11 by the following vote: Yeas, 29; nays, 0.

Adopted

S. C. R. No. 13, Relative to an investigation and reorganization of the county and district road indebtedness of this State.

H. C. R. No. 49, Relative to the legislative intent of Senate Bill No. 5, Second Called Session, Forty-fourth Legislature.

Has passed

H. B. No. 133, A bill to be entitled "An Act amending Section 13 of Senate Bill No. 185, Acts of the Regular Session of the Forty-fifth Legislature; re-allocating the funds provided for therein." (With amendment.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 23 WITH SEN-
ATE AMENDMENTS

Mr. Morris called up from the Speaker's table, with Senate amend-

ments, for consideration of the amendments,

H. B. No. 23, A bill to be entitled "An Act to raise revenue for the Old Age Assistance Fund, Available School Fund, Destitute Children and Needy Blind Fund, Teacher's Retirement Fund, and the General Revenue Fund; amending Section 2, Subdivision 1, of Article 7057a of the Revised Civil Statutes of Texas, 1925, same being Section 2, Subdivision 1, Chapter 162, Acts of the Forty-third Legislature, 1933, as amended by the Acts of the First Called Session of the Forty-fourth Legislature, 1936, Chapter 495, Article 4, Section 4; amending Section 3, Chapter 73, Acts of the Regular Session of the Forty-second Legislature, as amended by the Acts of the Third Called Session of the Forty-fourth Legislature, Chapter 495, Article 4, Section 8; amending Section 8, Chapter 73, Acts of the Regular Session of the Forty-second Legislature; amending Section 45, Article 7047, Revised Civil Statutes of Texas, 1925, same being Acts of the Third Called Session of the Forty-fourth Legislature, 1936, Chapter 495, Article 4, Section 7; amending Section 40A, Article 7047, Revised Civil Statutes of Texas, 1925, as amended by the Acts of the Forty-second Legislature, 1931, page 355, Chapter 212, Section 1, as amended by Acts of 1936, Forty-fourth Legislature, Third Called Session, page 2040, Chapter 495, Article 4, Section 6; amending Article 111, Section 6, Acts of the Third Called Session of the Forty-fourth Legislature; amending Article 7070, Revised Civil Statutes of Texas, 1925, as amended, Acts of the Third Called Session of the Forty-fourth Legislature, 1936, Article 4, Section 1, House Bill No. 8, amending Article 7060, Revised Civil Statutes of Texas, 1925, as amended by Chapter 34, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Article IV, Section 3, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature; providing that the State shall have a prior lien for all taxes, penalties and interest levied herein; expressly preserving all taxes, penalties, and interest accruing by virtue of any reenacted or repealed provisions of this Act and declaring them to be legal and valid obligations to the State; allocating certain funds to Old Age Assistance Fund, to General Revenue, Available School Fund, Des-

stitute Children's and Needy Blind Fund, and Teachers' Retirement Fund, declaring the Act to be severable; repealing all laws in conflict, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Morris moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

Mr. Knetsch moved that further consideration of the motion by Mr. Morris be postponed until 2:30 o'clock p. m., today.

Mr. Morris moved to table the motion to postpone.

Question then recurring on the motion to table the motion to postpone, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—101

Adkins	Hardin
Alsup	Harper
Amos	Harrell
Baker	Harris of Archer
Bates	Harris of Dickens
Beckworth	Herzik
Bell	Holland
Boethel	Huddleston
Bond	Hyder
Bradbury	Johnson of Ellis
Bridgers	Jones of Angelina
Broadfoot	Jones of Atascosa
Brown	Jones of Falls
Burton	Jones of Wise
Callan	Keefe
Carssow	Keith
Cathey	Kelt
Cauthorn	Kern
Cleveland	King
Davis of Haskell	Langdon
Davis of Jasper	Lankford
Davison of Fisher	Lanning
Davisson	Lehman
of Eastland	Leyendecker
Dean	Loggins
Deglandon	London
Derden	Lucas
Dickison	Mauritz
England	Mays
Felty	McConnell
Fielden	McDonald
Fox	McFarland
Fuchs	Metcalf
Graves	Moffett
Hamilton	Monkhouse
Hanna	Morris
Harbin	Oliver

Palmer	Sewell
Patterson of Mills	Sharpe
Patterson	Skaggs
of Travis	Smith of Hopkins
Petsch	Stinson
Powell	Talbert
Prescott	Tarwater
Ragsdale	Tennyson
Reader	Thornberry
Reed of Bowie	Waggoner
Reed of Dallas	Weldon
Roark	Westbrook
Ross	Winfree
Russell	Worley
Settle	

Nays—40

Alexander	Knetsch
Anderson	Leonard
Blankenship	Little
Boyer	Mann
Bradford	McKinney
Cagle	Morse
Celaya	Nicholson
Colquitt	Pope
Dollins	Quinn
Donaghey	Rhodes
Gibson	Riddle
Hankamer	Schuenemann
Harris of Dallas	Simpson
Hartzog	Smith
Heflin	of Matagorda
Hoskins	Smith of Tarrant
Hull	Stevenson
Jackson	Tennant
Johnson	Thornton
of Tarrant	Vale
Kenyon	Wood

Absent

Howard	Shell
Leath	Stocks

Absent—Excused

Farmer	Newton
McKee	Rutta

Mr. Hankamer called for a full reading of the Senate substitute for House Bill No. 23, and the amendments.

Mr. Reader moved to dispense with the reading of the Senate substitute and amendments.

Mr. Hankamer moved to table the motion by Mr. Reader.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—58

Alexander	Blankenship
Anderson	Boyer

Bradford	Knetsch
Cagle	Lanning
Cathey	Leonard
Celaya	Little
Colquitt	Loggins
Dean	Mann
Derden	McKinney
Dollins	Monkhouse
Donaghey	Morse
Felty	Nicholson
Fielden	Patterson
Gibson	of Travis
Hankamer	Petsch
Hanna	Pope
Hardin	Rhodes
Harris of Dallas	Riddle
Hartzog	Schuenemann
Hoskins	Settle
Howard	Sewell
Huddleston	Shell
Hull	Simpson
Jackson	Smith of Tarrant
Johnson of Ellis	Stevenson
Johnson	Tennant
of Tarrant	Thornton
Jones of Atascosa	Vale
Kenyon	Winfree
King	Wood

Nays—83

Adkins	Harris of Dickens
Alsup	Herzik
Amos	Holland
Baker	Hyder
Bates	Jones of Angelina
Beckworth	Jones of Falls
Bell	Jones of Wise
Boethel	Keefe
Bond	Keith
Bradbury	Kelt
Bridgers	Kern
Broadfoot	Langdon
Brown	Lankford
Burton	Lehman
Callan	Leyendecker
Carssow	London
Cauthorn	Lucas
Cleveland	Mays
Davis of Haskell	McDonald
Davis of Jasper	McFarland
Davison of Fisher	Metcalfe
Davisson	Moffett
of Eastland	Morris
Deglandon	Oliver
Dickison	Palmer
England	Patterson of Mills
Fox	Powell
Fuchs	Prescott
Graves	Quinn
Hamilton	Ragsdale
Harbin	Reader
Harper	Reed of Bowie
Harrell	Reed of Dallas
Harris of Archer	Roark

Ross	Talbert
Russell	Tarwater
Sharpe	Tennyson
Skaggs	Thornberry
Smith of Hopkins	Waggoner
Smith	Weldon
of Matagorda	Westbrook
Stinson	Worley
Stocks	

Present—Not Voting

Leath

Absent

Heflin

McConnell

Mauritz

Absent—Excused

Farmer

Newton

McKee

Rutta

Mr. Metcalfe moved the previous question on the motion by Mr. Reader, and the main question was ordered.

Question then recurring on the motion by Mr. Reader to dispense with the reading of the Senate substitute and amendments, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—87

Adkins	Harper
Alsup	Harrell
Amos	Harris of Archer
Baker	Harris of Dickens
Bates	Herzik
Beckworth	Holland
Bell	Hyder
Boethel	Johnson of Ellis
Bond	Jones of Angelina
Bradbury	Jones of Falls
Bridgers	Jones of Wise
Broadfoot	Keefe
Brown	Keith
Burton	Kelt
Callan	Kern
Carssow	King
Cathey	Langdon
Cauthorn	Lankford
Cleveland	Lanning
Davis of Haskell	Leath
Davis of Jasper	Lehman
Davison of Fisher	London
Davisson	Lucas
of Eastland	Mays
Deglandon	McConnell
Dickison	McDonald
England	McFarland
Fox	Metcalfe
Fuchs	Moffett
Graves	Morris
Hamilton	Oliver
Harbin	Palmer

Patterson of Mills	Smith
Powell	of Matagorda
Prescott	Stinson
Quinn	Stocks
Ragsdale	Talbert
Reader	Tarwater
Reed of Bowie	Tennyson
Roark	Thornberry
Ross	Waggoner
Russell	Weldon
Sharpe	Westbrook
Skaggs	Worley
Smith of Hopkins	

Nays—52

Alexander	Knetsch
Anderson	Leonard
Blankenship	Leyendecker
Boyer	Little
Bradford	Loggins
Cagle	Mann
Celaya	McKinney
Colquitt	Monkhouse
Dean	Morse
Derden	Nicholson
Dollins	Patterson
Donaghey	of Travis
Fielden	Pope
Gibson	Reed of Dallas
Hankamer	Rhodes
Hardin	Riddle
Harris of Dallas	Schuenemann
Hartzog	Settle
Hoskins	Sewell
Howard	Simpson
Huddleston	Smith of Tarrant
Hull	Stevenson
Jackson	Tennant
Johnson	Thornton
of Tarrant	Vale
Jones of Atascosa	Winfree
Kenyon	Wood

Absent

Felty	Mauritz
Hanna	Petsch
Heflin	Shell

Absent—Excused

Farmer	Newton
McKee	Rutta

Mr. Thornberry raised the following points of order:

"Mr. Speaker:

I raise the following points of order, to the Spears Senate amendment to House Bill No. 23:

1. That it is not germane to the bill;

2. That it relates to a subject not submitted for consideration by the Governor at this Called Session;

3. That it is indefinite, vague, uncertain, meaningless and incapable of intelligent interpretation;

4. That it violates Section 36 of Article III of the Constitution in that it attempts to amend a General Law by reference only."

The Speaker sustained the point of order, on the ground that the amendment contains subject matter not submitted by the Governor.

Mr. Pope raised a point of order, on further consideration of House Bill No. 23, at this time, on the ground that the bill is not now before the House for consideration, in that final action has not been taken by the Senate.

The Speaker overruled the point of order.

Mr. Mays raised a point of order, on the amendment by Senator Woodruff, on the ground that the amendment contains subject matter heretofore defeated by the House.

The Speaker overruled the point of order.

Mr. Thornton asked unanimous consent of the House, that all proceedings in regard to the point of order raised by Mr. Thornberry be expunged from the record.

There was objection offered.

Question—Shall the motion by Mr. Morris prevail?

HOUSE BILL NO. 78 WITH
SENATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 78, A bill to be entitled "An Act amending House Bill No. 99, Acts of the Regular Session of the Forty-fifth Legislature as amended by Senate Bill No. 24 of the First Called Forty-fifth Legislature by amending Section 25 of said House Bill No. 99 by providing that any person purchasing citrus fruit from any dealer qualified as such, and paying therefor in current money of the United States, shall be exempt from giving the bond provided for in the Act and providing that such person applying for license shall indicate on his application that he desires to operate as a cash buyer, buying only from qualified dealers, prescribing the rights of such cash citrus dealer and providing the amount of license fee,

a penalty for violation, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

Mr. Leonard moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on House Bill No. 78: Messrs. Leonard, Celaya, Vale, Leyendecker and Pope.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 71, "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, relative to the compensation and salary to be paid County Auditors in certain counties, and declaring an emergency."

H. B. No. 121, "An Act to amend Sections 3, 6, 7, 8, 9, 10, 13, 18, 20 and 24 of Article 2997a of the Revised Civil Statutes of Texas, 1925, and being Chapter 33 of the General and Special Laws of the Forty-first Legislature, Fourth Called Session by providing that the commissioners' court of any county in the State of Texas may adopt for use in elections and primary elections in at least three of the larger voting precincts in voting strength in said county any kind of voting machine approved by the Secretary of State and may adopt said voting machines at any time for use in such additional voting precincts in the county as it may deem advisable, and thereupon such voting machines shall be used at any and all elections and primary elections, municipal, county, district or State; and all school and bond elections; providing for the payment of voting machines in such county; providing that such commissioners' court is authorized to issue bonds, certificates of indebtedness, or other obligations to be used for the purpose of paying for voting machines; providing that such bond,

certificates of indebtedness, or other obligations, may be issued with or without interest, payable at such time or times, as the commissioners' court may determine but shall never be issued nor sold for less than par; providing that the necessary tax shall be set aside at the time of creating such obligations so as to meet the debt provisions of the Constitution; etc., and declaring an emergency."

H. B. No. 140, "An Act declaring it unlawful to take, hunt, or kill deer or wild turkey in Fannin County for a period of five years; prescribing a penalty, and declaring an emergency."

RECESS

Mr. Anderson moved that the House recess until 2:30 o'clock p. m., today.

Mr. Hankamer moved that the House recess until 3:00 o'clock p. m., today.

Mr. Worley moved that the House recess until 2:00 o'clock p. m., today.

Question first recurring on the motion to recess until 2:00 o'clock p. m., today, it was lost.

Question then recurring on the motion to recess until 2:30 o'clock p. m., today, it prevailed, and the House, accordingly, at 12:55 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 23 WITH SENATE AMENDMENTS

The House resumed consideration of pending business, same being House Bill No. 23, concerning the levying of certain taxes, with Senate amendments, and motion by Mr. Morris that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses, pending.

Mr. Thornton asked unanimous consent of the House, that the points of order raised by Mr. Thornberry, and the rulings thereon, to House Bill No. 23, be expunged from the record.

There was objection offered.

Question then recurring on the motion by Mr. Morris that the House do not concur in the Senate amendments,

and that a Conference Committee be requested to adjust the differences between the two Houses on the bill, it prevailed.

INSTRUCTIONS TO CONFERENCE
COMMITTEE ON HOUSE
BILL NO. 23

Mr. Bradbury submitted the following instructions to the Conference Committee on House Bill No. 23:

I move to instruct the Conference Committee to insert in the Conference Report on House Bill No. 23 the following:

"To provide funds for the benefit of the aged needy who are dependent, either wholly or partially upon others for support, and who are otherwise qualified under the Constitution to receive old age assistance."

BRADBURY,
DERDEN,
REED of Bowie,
FIELDEN,
LEHMAN,
READER,
KERN,
WESTBROOK,
LUCAS,
BROADFOOT.

Mr. Keith raised a point of order, on further consideration of the instructions by Mr. Bradbury, on the ground that it attempts to instruct the Conference Committee on matter, which if enacted, would contain subject matter not submitted by the Governor, and further, that same would not be germane to the bill and also that it seeks to amend a general law by reference only.

The Speaker overruled the point of order.

Question recurring on the instructions by Mr. Bradbury, yeas and nays were demanded.

The instructions were adopted by the following vote:

Yeas—119

Adkins	Boyer
Alexander	Bradbury
Alsup	Broadfoot
Amos	Brown
Anderson	Cagle
Bates	Callan
Beckworth	Cathey
Bell	Cauthorn
Blankenship	Cleveland
Boethel	Davis of Haskell
Bond	Davis of Jasper

Davisson	Loggins
of Eastland	London
Dean	Lucas
Deglandon	Mann
Derden	Mauritz
Dickison	Mays
Dollins	McConnell
Donaghey	McDonald
England	McKinney
Felty	Metcalf
Fielden	Moffett
Fuchs	Monkhouse
Gibson	Morris
Hamilton	Oliver
Hankamer	Palmer
Hanna	Patterson of Mills
Harbin	Powell
Hardin	Prescott
Harper	Quinn
Harrell	Ragsdale
Harris of Archer	Reader
Harris of Dallas	Reed of Bowie
Harris of Dickens	Rhodes
Heflin	Roark
Herzik	Ross
Holland	Russell
Hoskins	Rutta
Howard	Schuenemann
Huddleston	Settle
Hull	Sewell
Hyder	Sharpe
Jackson	Shell
Johnson of Ellis	Simpson
Johnson	Skaggs
of Tarrant	Smith of Hopkins
Jones of Angelina	Smith
Jones of Atascosa	of Matagorda
Jones of Falls	Smith of Tarrant
Jones of Wise	Stevenson
Keefe	Stinson
Kern	Stocks
King	Talbert
Knetsch	Tennant
Langdon	Tennyson
Lankford	Thornberry
Lanning	Vale
Leath	Weldon
Lehman	Westbrook
Leyendecker	Winfree
Little	Wood

Nays—13

Baker	Kenyon
Bradford	McFarland
Bridgers	Morse
Burton	Nicholson
Graves	Patterson
Keith	of Travis
Kelt	Thornton

Absent

Carssow	Davison of Fisher
Celaya	Fox
Colquitt	Hartzog

Leonard
Petsch
Pope
Reed of Dallas

Riddle
Tarwater
Waggoner
Worley

Absent—Excused

Farmer
McKee

Newton

Mr. Bradbury moved to reconsider the vote by which the instructions were adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Moffett submitted the following instructions to the Conference Committee on House Bill No. 23:

"Mr. Speaker:

We move that the Conference Committee on House Bill No. 23 be instructed to retain in the Conference Report on said bill the House amendment relating to exemption of "marginal" wells from the increased tax provided in said bill."

MOFFETT,
HARRIS of Archer.

Mr. Mays moved the previous question on the pending instructions, and the motion was not seconded.

Mr. Morris moved to table the instructions by Mr. Moffett.

Question recurring on the motion to table, it was lost.

Question then recurring on the instructions by Mr. Moffett, it was lost.

Mr. Tennyson moved to reconsider the vote by which the instructions by Mr. Moffett was lost.

Mr. Morris moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Adkins	Davis of Jasper
Alsup	Davison of Fisher
Amos	Deglandon
Beckworth	Dickison
Bell	Dollins
Boethel	England
Bond	Graves
Bridgers	Hamilton
Broadfoot	Harper
Brown	Harrell
Burton	Herzik
Callan	Holland
Carssow	Hyder
Cleveland	Johnson
Davis of Haskell	of Tarrant

Jones of Angelina	Quinn
Jones of Atascosa	Reader
Jones of Falls	Reed of Bowie
Jones of Wise	Ross
Keefe	Russell
Kern	Schuenemann
Knetsch	Sewell
Lankford	Sharpe
Leath	Shell
Lehman	Skaggs
Lucas	Smith of Hopkins
Mays	Smith
McDonald	of Matagorda
McFarland	Smith of Tarrant
Monkhouse	Stinson
Morris	Talbert
Oliver	Tennant
Palmer	Thornberry
Patterson of Mills	Weldon
Patterson	Westbrook
of Travis	Worley
Powell	

Nays—61

Alexander	Langdon
Blankenship	Lanning
Boyer	Leonard
Bradford	Leyendecker
Cagle	Little
Cathey	Loggins
Cauthorn	London
Celaya	Mann
Davisson	McConnell
of Eastland	McKinney
Dean	Moffett
Derden	Morse
Donaghey	Nicholson
Felty	Petsch
Fielden	Prescott
Gibson	Reed of Dallas
Hankamer	Rhodes
Hanna	Riddle
Hardin	Roark
Harris of Archer	Rutta
Harris of Dallas	Settle
Harris of Dickens	Simpson
Hartzog	Stevenson
Heflin	Stocks
Huddleston	Tarwater
Jackson	Tennyson
Johnson of Ellis	Thornton
Keith	Vale
Kelt	Waggoner
Kenyon	Winfree
King	Wood

Present—Not Voting

Colquitt

Absent

Anderson	Fox
Baker	Fuchs
Bates	Harbin
Bradbury	Hoskins

Howard Metcalfe
Hull Pope
Mauritz Ragsdale

Absent—Excused

Farmer Newton
McKee

Mr. Reader moved that the Conference Committee on House Bill No. 23 be not further instructed.

Question recurring on the motion by Mr. Reader, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—85

Alsup	Kelt
Amos	King
Anderson	Langdon
Baker	Lankford
Bell	Leath
Boethel	Lehman
Bond	London
Bridgers	Lucas
Broadfoot	Mays
Brown	McConnell
Burton	McDonald
Callan	McFarland
Carssow	Metcalfe
Cauthorn	Monkhouse
Cleveland	Oliver
Colquitt	Palmer
Davis of Haskell	Patterson of Mills
Davis of Jasper	Patterson
Davison of Fisher	of Travis
Davisson	Powell
of Eastland	Prescott
Deglandon	Quinn
Derden	Ragsdale
Dickison	Reader
England	Reed of Bowie
Felty	Roark
Fuchs	Ross
Graves	Russell
Hamilton	Rutta
Harbin	Settle
Harper	Sewell
Harrell	Sharpe
Harris of Dickens	Skaggs
Herzik	Smith of Hopkins
Holland	Smith
Hoskins	of Matagorda
Howard	Smith of Tarrant
Hyder	Stinson
Johnson	Stocks
of Tarrant	Talbert
Jones of Angelina	Thornberry
Jones of Atascosa	Weldon
Jones of Falls	Westbrook
Jones of Wise	Worley
Keefe	

Nays—54

Adkins	Lanning
Alexander	Leonard
Beckworth	Leyendecker
Blankenship	Little
Boyer	Loggins
Cagle	Mann
Cathey	McKinney
Celaya	Moffett
Dean	Morse
Dollins	Nicholson
Donaghey	Petsch
Fielden	Pope
Gibson	Reed of Dallas
Hankamer	Rhodes
Hanna	Riddle
Hardin	Schuenemann
Harris of Archer	Shell
Harris of Dallas	Simpson
Hartzog	Stevenson
Heflin	Tarwater
Huddleston	Tennant
Jackson	Tennyson
Johnson of Ellis	Thornton
Keith	Vale
Kenyon	Waggoner
Kern	Winfree
Knetsch	Wood

Absent

Bates	Hull
Bradbury	Mauritz
Bradford	Morris
Fox	

Absent—Excused

Farmer	Newton
McKee	

Mr. Anderson moved to reconsider the vote by which the motion by Mr. Reader prevailed, and to table the motion to reconsider.

The motion to table prevailed.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 23

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on House Bill No. 23: Messrs. Morris, Stinson, Jones of Wise, Anderson and Bell.

HOUSE BILL NO. 133 WITH SENATE AMENDMENTS

Mr. Metcalfe called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 133, A bill to be entitled "An Act amending Section 13 of

Senate Bill No. 185, Acts of the Regular Session of the Forty-fifth Legislature, reallocating the funds provided for therein, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Metcalfe moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

MOTION TO INSTRUCT CONFERENCE COMMITTEE ON HOUSE BILL NO. 133

Mr. Patterson of Mills submitted the following motion:

"I move that the provisions of Section 13 of Senate Bill No. 185 only be considered by the Conference Committee which section relates to the allocation of funds."

Mr. Thornton moved to table the motion by Mr. Patterson of Mills.

The motion to table prevailed.

REASONS FOR VOTE

I made the motion and voted to instruct the Conference Committee on House Bill No. 133 for the following reasons:

"First, I considered the chief intent of House Bill No. 133 that of reallocation of the funds in Senate Bill No. 185 passed in the Regular Session. The caption of House Bill No. 133 very definitely sets forth this item, and this item only.

Second, I considered it unjust to those schools now operating under the original Senate Bill No. 185 to have to submit to a change in the equalization program at this late hour in the school year. The Senate Committee Substitute provides many major changes in the original equalization law and departed from the principle intent of House Bill No. 133 in many instances. Chief among the changes follows:

(a) Section 21 places in the hands of the State Auditor the authority to approve, modify or reject any application for equalization before the same is presented to the State Board of Education or the State Superintendent. This is contrary to the original intent of Senate Bill No. 185 as passed by the Regular Session of the

Forty-fifth Legislature and is not germane to House Bill No. 133, to which the amendment was offered.

(b) Section 6 requires the same tax rate for both years of the biennium which is not germane to subject material contained in House Bill No. 133 and is contrary to the provisions of Senate Bill No. 185 of the Regular Session of the Forty-fifth Legislature.

(c) Section 17 committee amendment contains this language, 'It is provided that all unused obligated balances in rural aid funds in any district on August 31, shall be returned to the State Treasurer and by him credited to the Appropriation Fund from which it came; provided, however that the balance herein provided for the return of moneys shall be subject to the obligation of districts holding claims against that fund and subject to reapportionment of the obligation of the receiving district thereof.' Said material is not germane to House Bill No. 133 and contains ambiguous language in that in one instance all balances although obligated is ordered returned to the State Treasurer and in the second instance such moneys are identified as subject to the obligation of the district holding the claim.

(d) Section 18 is reworded in such fashion that in counties of less than 1,400 all schools except one-teacher schools are eliminated from the benefits of the section.

(e) Section 2 provides that the minimum and maximum scholastic limits therein provided does not apply for transportation aid for school district containing 48 square miles, or which is 9 miles or more in length.

(f) Section 4 is not germane to House Bill No. 133 and in addition changes the original Senate Bill No. 185 of the Regular Session of the Forty-fifth Legislature, in that the State Superintendent and the State Board of Education are limited to any adjustments other than adjustments corresponding to the specified teacher-pupil load as per filed contracts.

(g) Section 5 is not germane to House Bill No. 133 and incorporates a new thought to the original Senate Bill No. 185 of the Regular Session, Forty-fifth Legislature, in that the State District Health Officer is empowered to certify as to an epidemic of sickness.

(h) Section 15 of the Senate Substitute opens the participation under

the equalization law to a new group of schools in that the word 'classified' is added along with affiliated schools.

These and other items inject new and foreign material into the original intent of the Senate Bill No. 185 of the Regular Session of the Forty-fifth Legislature, all of which is not in conformity with the intent of House Bill No. 133."

PATTERSON of Mills.

CONFERENCE COMMITTEE
APPOINTED ON HOUSE
BILL NO. 133

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on House Bill No. 133: Messrs. Metcalfe, London, Brown, Alsup and Patterson of Mills.

HOUSE BILL NO. 163 WITH SEN-
ATE AMENDMENTS

Mr. Hyder called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 163, A bill to be entitled "An Act providing the time when mourning doves and white-winged doves may be shot in Wise, Collin, Denton and Montague Counties; making certain exceptions; fixing the bag limit and possession limit of same; fixing the hours for shooting and making regulations for shotguns that may be used for shooting migratory birds and other game birds; providing a penalty for the violation of any such regulations; repealing all laws in conflict with any section of this Act, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Hyder, the House concurred in the Senate amendments by the following vote:

Yeas—130

Adkins	Bond
Alexander	Boyer
Alsup	Bradbury
Amos	Bradford
Anderson	Bridgers
Baker	Broadfoot
Bates	Brown
Beckworth	Burton
Bell	Cagle
Blankenship	Carssow
Boethel	Cathey

Cauthorn	Leyendecker
Celaya	Little
Cleveland	Loggins
Colquitt	Lucas
Davis of Haskell	Mann
Davis of Jasper	Mauritz
Davisson	McConnell
of Eastland	McDonald
Deglandon	McFarland
Derden	McKinney
Dickison	Metcalfe
Dollins	Moffett
Donaghey	Monkhouse
England	Morris
Felty	Morse
Fielden	Nicholson
Fox	Oliver
Gibson	Palmer
Graves	Patterson of Mills
Hamilton	Patterson
Hankamer	of Travis
Hanna	Powell
Harbin	Prescott
Hardin	Quinn
Harper	Reed of Bowie
Harrell	Reed of Dallas
Harris of Archer	Rhodes
Harris of Dallas	Roark
Harris of Dickens	Ross
Hartzog	Russell
Heflin	Rutta
Herzik	Schuenemann
Holland	Settle
Hoskins	Sewell
Huddleston	Shell
Hull	Simpson
Hyder	Skaggs
Jackson	Smith of Hopkins
Johnson of Ellis	Smith
Johnson	of Matagorda
of Tarrant	Smith of Tarrant
Jones of Angelina	Stevenson
Jones of Atascosa	Stocks
Jones of Falls	Talbert
Jones of Wise	Tarwater
Kelt	Tennant
Kenyon	Tennyson
Kern	Thornberry
King	Thornton
Knetsch	Vale
Langdon	Waggoner
Lankford	Weldon
Lanning	Westbrook
Leath	Winfree
Lehman	Wood
Leonard	Worley

Absent

Callan	Keith
Davison of Fisher	London
Dean	Mays
Fuchs	Petsch
Howard	Pope
Keefe	Ragsdale

Reader Sharpe
Riddle Stinson
Absent—Excused

Farmer Newton
McKee

TO PROVIDE FOR APPOINTMENT
OF CERTAIN DELEGATES
TO WASHINGTON

The Speaker laid before the House, for consideration at this time, as unfinished business, House Simple Resolution No. 47, To provide for appointment of certain delegates to Washington, in regard to Texas farmers and cotton growers.

The resolution having been read second time on last Friday, October 22.

Mr. Leath offered the following amendment to the resolution:

"Amend House Simple Resolution No. 47, by providing that as many Members that care to pay their own expenses may attend."

The amendment was adopted.

Question recurring on the resolution, as amended, yeas and nays were demanded.

The resolution, as amended, was adopted by the following vote:

Yeas—105

Adkins	Dickison
Alexander	Donaghey
Alsup	Fielden
Amos	Graves
Anderson	Hankamer
Baker	Hanna
Bates	Hardin
Beckworth	Harper
Bell	Harrell
Boethel	Harris of Archer
Bond	Harris of Dallas
Boyer	Harris of Dickens
Bradbury	Hartzog
Bradford	Heflin
Broadfoot	Holland
Brown	Hoskins
Cagle	Huddleston
Carssow	Hull
Cathey	Hyder
Celaya	Jackson
Cleveland	Johnson of Ellis
Davis of Haskell	Johnson
Davis of Jasper	of Tarrant
Davison of Fisher	Jones of Angelina
Davisson	Jones of Atascosa
of Eastland	Jones of Falls
Deglandon	Jones of Wise
Derden	Kelt

Kenyon	Prescott
King	Ragsdale
Knetsch	Rhodes
Langdon	Roark
Lankford	Ross
Lanning	Russell
Leath	Rutta
Lehman	Schuenemann
Leonard	Settle
Leyendecker	Sewell
Little	Sharpe
Loggins	Simpson
Mann	Skaggs
Mays	Smith of Hopkins
McConnell	Smith
McDonald	of Matagorda
McFarland	Smith of Tarrant
Metcalf	Talbert
Moffett	Tarwater
Monkhouse	Tennant
Morris	Thornton
Morse	Vale
Oliver	Waggoner
Patterson of Mills	Weldon
Patterson	Winfree
of Travis	Worley
Powell	

Nays—11

Bridgers	Reed of Bowie
Burton	Reed of Dallas
Cauthorn	Stocks
Colquitt	Westbrook
Kern	Wood
Lucas	

Absent

Blankenship	London
Callan	Mauritz
Dean	McKinney
Dollins	Nicholson
England	Palmer
Felty	Petsch
Fox	Pope
Fuchs	Quinn
Gibson	Reader
Hamilton	Riddle
Harbin	Shell
Herzik	Stevenson
Howard	Stinson
Keefe	Tennyson
Keith	Thornberry

Absent—Excused

Farmer	Newton
McKee	

Mr. Harris of Dickens moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

PROVIDING FOR APPOINTMENT OF CERTAIN COMMISSION

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 12, Providing for appointment of certain commission.

Whereas, At the First Called Session of the Forty-fifth Legislature, Senate Concurrent Resolution No. 8, instructing the Texas State Planning Board to investigate the advisability of the participation of the State of Texas in the New York World's Fair in New York City in 1939 and the Golden Gate International Exposition in San Francisco in 1939, was adopted; and

Whereas, The Texas State Planning Board after an exhaustive investigation has reported to the Governor and to the present session of the Legislature that such participation is not only feasible and advisable but also highly desirable in calling the attention of more than seventy million persons to the historical, scenic, recreational, and industrial attractions of the State of Texas, thus stimulating tourist travel to Texas and attracting new industries and capital; and

Whereas, Public sentiment of the State of Texas, as reflected by the large number of newspaper comments and civic endorsements, seems to favor the participation of Texas in both fairs; now, therefore, be it

Resolved, That the Second Called Session of the Forty-fifth Legislature of the State of Texas, hereby authorizes and instructs the Governor to appoint a commission of forty-five members, to be known as "The New York World's Fair and San Francisco Golden Gate Exposition Commission for Texas", all of whom should be representative citizens of Texas, residing in various sections of the State, one of whom the Governor shall designate as Chairman, one as Vice-chairman and one as Secretary; said Commission to represent the State of Texas at the said world fairs; and to arrange for the acquisition, collection, transportation, installation, maintenance, return, and advertising of exhibits of the historical, scenic, recreational, and industrial attractions of the State of Texas at said world fairs, but in no event shall the State of Texas be liable for any expense incurred; and, be it further

Resolved, That said Commission shall be duly incorporated as a non-profit corporation under the laws of

the State of Texas, and shall have authority to accept gifts, grants and donations of money or property in aid of such exhibits, to make necessary agreements and contracts with individuals, institutions, organizations, communities, counties and municipalities, and to employ and fix the compensation of such experts, clerical and other assistants as may be necessary; said Commissioners to serve without salary except for necessary and legitimate expenses incurred in conformity with the provisions of this resolution; and, be it further

Resolved, That it shall be the duty of all public institutions, boards and commissions in the State of Texas to assist the Commission herein provided for in every way possible, within the limits of the law, by supplying said Commission with information and materials which will add to the value of the exhibits; and, be it further

Resolved, That the Commission herein provided for shall, upon completion of both world fairs, submit to the Governor and to the Legislature a complete report of its activities and its income and expenditures; and, be it further

Resolved, That in order that no individual, institution, organization, community, company, municipality, corporation, public or private, may become either morally or legally liable by reason of any contract, obligation, or act of the corporation herein suggested to be incorporated, it is specifically and definitely provided herein that said corporation shall never, by implication or otherwise, have any authority or power to create any financial obligation, legal or moral, on the part of the State of Texas.

The resolution was read second time, and was adopted.

RELATIVE TO COUNTY AND DISTRICT ROAD IN- DEBTEDNESS

The Speaker laid before the House, for consideration, at this time,

S. C. R. No. 13, Providing for certain investigation of county and district road indebtedness.

Whereas, The present county and district road indebtedness in the State of Texas amounts to a sum of approximately One Hundred Seventy-five Million (\$175,000,000.00) Dollars, maturing in various amounts annually up to the year 1973, and bearing in-

terest of an average rate in excess of five per cent (5%); and

Whereas, The State of Texas is now setting aside one cent from the State Gasoline Tax, which is applied toward servicing approximately fifty-four per cent (54%) of this indebtedness which has been determined as having been spent on State highways; and the counties and road districts are servicing the balance of the indebtedness through the levying of taxes in the respective counties and road districts; and

Whereas, The total tax burden, required to pay principal and interest on this indebtedness, is unduly heavy and burdensome to the tax payers; and

Whereas, It may be possible to reduce the interest on the road indebtedness under an equitable plan, satisfactory to the holders of the indebtedness, and lessen the burden to the tax payers, and release additional funds for additional highway construction; and

Whereas, It has been necessary for the several counties and road districts to refund annually large portions of maturing principal amounts, thus extending interest payments over many years into the future, and thus continuing the heavy burden on future tax payers; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the State Highway Commission of the State of Texas, and the Board of County and District Road Indebtedness are hereby authorized, empowered and directed to conduct, and cause to be conducted, an investigation of the ways and means of reducing, if possible, the annual burden of the present county and district road indebtedness in the State, by means of a comprehensive reorganization program of the debt structure, or by changes in methods of administration, or by such other means as may be found to be economical and feasible, consistent with the maintenance of the credit of the State of Texas, and of its political subdivisions; be it further

Resolved, That the State Highway Commission and the Board of County and District Road Indebtedness are directed, after such investigation, to file a report, setting forth its findings and recommendations with both Houses of the Legislature and the Governor of Texas, not later than January First, 1939.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 62, A bill to be entitled "An Act authorizing, consenting to and granting permission to John Wiese, Lonnie Wiese and Tom Wiese to sue the State of Texas or Highway Department for damage to their land, and declaring an emergency."

H. B. No. 110, A bill to be entitled "An Act amending Article 1048 of the Revised Civil Statutes of Texas, 1925."

H. B. No. 113, A bill to be entitled "An Act granting Frank Dees and Mrs. George Armstrong, and husband George Armstrong, of Brewster County, Texas, permission to bring suit against the State of Texas and the State Highway Department, in the District Court of Brewster County, Texas, for damages sustained to their property by the construction of roadbed and culverts adjacent to their land upon State Highway Number 3, in Brewster County, Texas; impounding water on such land, washing and destroying said land; providing that such suit may be filed within two (2) years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit, and declaring an emergency."

H. B. No. 130, A bill to be entitled "An Act amending Section 3 of the Uniform Narcotic Drug Act, as enacted by the Forty-fifth Legislature at its Regular Session in 1937 by House Bill No. 440, so as to require any apothecary to obtain a license before supplying narcotic drugs, and by amending said Act further by adding a new section to be numbered Section 24 (a) providing a conviction under said Act may be had on uncorroborated testimony of an accomplice, and declaring an emergency."

H. B. No. 163, A bill to be entitled "An Act providing the time when mourning doves and white winged doves may be shot in Collin, Dallas, Delta, Denton, Franklin, Haskell, Hopkins, Hunt, Jack, Johnson, Kauf-

man, Montague, Parker, Rockwall and Wise Counties making certain exceptions; fixing the bag limit and possession limit of same; fixing the hours for shooting and making regulations for shotguns that may be used for shooting migratory birds and other game birds; providing a penalty for the violation of any such regulations; repealing all laws in conflict with any Section of this Act, and declaring an emergency." (With amendment.)

H. B. No. 164, A bill to be entitled "An Act to amend House Bill No. 52, Chapter 18, Acts of the Forty-third Legislature, Fourth Called Session, so as to provide that the governing body of any city, or town having a population of twelve thousand, four hundred and ten (12,410) inhabitants or less, according to the last preceding Federal Census, and owning and operating its municipal waterworks system and municipal light system in this State, in making up the annual appropriations of the income and revenue of waterworks system, electric lights system, etc., shall first provide for maintenance and operating expenses; . . . etc., and declaring an emergency."

S. B. No. 23, A bill to be entitled "An Act making an appropriation of the sum of seven hundred and ninety thousand (\$790,000.00) dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the apportionment for the period now due for the balance of the State fiscal year ending August 31, 1936, and the State fiscal year ending August 31, 1937, to all counties in which the county officers are compensated on the basis of a salary, as provided for in Section 6, Senate Bill No. 5, enacted at the Second Called Session of the Forty-fourth Legislature, and also for the period now due the district attorneys, criminal district attorneys, or county attorneys performing the duties of district attorneys, from January 1, 1936, to August 31, 1937, as provided in Subsection b, Section 13, of Senate Bill No. 5, enacted at the Second Called Session of the Forty-fourth Legislature, and declaring an emergency."

S. B. No. 15, A bill to be entitled "An Act to repeal the Bosque County Special Road Law, being Chapter 33, page 101, Special Laws of the Regular Session of the Thirty-third Legisla-

ture, and the Amendments to said laws passed by Chapter 17, page 328, of the Local and Special Laws of the First Called Session of the Thirty-fifth Legislature, and declaring an emergency."

H. B. No. 149, A bill to be entitled "An Act applicable in the counties of Mason, Menard, Kerr, Schleicher, Crockett, Sutton, Kimble, Real, Edwards, Blanco, Llano, Kendall, Gillespie, El Paso, Hudspeth, Culberson, Val Verde, Kinney, Maverick, Terrell, Brewster, Harris and Burnet of the State of Texas, requiring a hunting license of any resident citizen of the State hunting in any of said counties with certain exemptions; requiring a fishing license of all persons residing in the State of Texas and fishing in said counties or in any stream forming a part of the boundary line of any of said counties and for such distance of such stream forms a part of the boundary of any of the aforementioned counties; etc., and declaring an emergency." (With amendment.)

H. B. No. 59, A bill to be entitled "An Act validating the proceedings of the County Board of School Trustees of Taylor County in annexing the Iberis Common School District No. 38 to Wylie Consolidated Common School District No. 11; fixing the metes and bounds of Wylie Consolidated Common School District No. 11, Taylor County; validating all proceedings had in an election held on the 26th day of June, 1937, on the proposition of assuming the bonds of Wylie Consolidated Common School District No. 11 issued prior to the formation of the present Wylie Consolidated Common School District No. 11, and on the proposition of issuing \$15,000.00 schoolhouse bonds of said Wylie Consolidated Common School District No. 11, and declaring an emergency."

H. B. No. 148, A bill to be entitled "An Act amending Section 19 (f) of Article 3912e, and being Acts of the Second Called Session of the Forty-fourth Legislature, Chapter 465, page 1762, to make adequate provision for the compensation of Court Reporters appointed by the District or Criminal District Attorney in any county having a population in excess of one hundred ninety thousand (190,000), according to the last preceding Federal Census, and declaring an emergency."

Adopted

H. C. R. No. 50, Urging the Federal Government to establish a well equipped cotton research laboratory or institute in Texas.

S. C. R. No. 8, Granting L. M. Anderson permission to sue the State.

Respectfully,

BOB BARKER,

Secretary of the Senate.

**HOUSE BILL NO. 149 WITH
SENATE AMENDMENTS**

Mr. Petsch called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 149, A bill to be entitled "An Act applicable in the counties of Mason, Menard, Kerr, Schleicher, Crockett, Sutton, Kimble, Real, Edwards, Blanco, Llano, Kendall, Gillespie, El Paso, Hudspeth, Culberson, Val Verde, Kinney, Maverick, Terrell, Brewster, Harris and Burnet of the State of Texas, requiring a hunting license of any resident citizen of the State hunting in any of said counties with certain exemptions; requiring a fishing license of all persons residing in the State of Texas and fishing in said counties or in any stream forming a part of the boundary line of any of said counties and for such distance of such stream forms a part of the boundary of any of the aforementioned counties; etc., and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments:

On motion of Mr. Petsch, the House concurred in the Senate amendments by the following vote:

Yeas—107

Adkins	Carsow
Alexander	Cathey
Alsup	Cauthorn
Baker	Cleveland
Bates	Colquitt
Beckworth	Davis of Haskell
Bell	Davis of Jasper
Blankenship	Davison
Boethel	of Eastland
Bond	Deglandon
Boyer	Derden
Bradbury	Dickison
Bradford	Dollins
Bridgers	Donaghey
Broadfoot	England
Brown	Felty
Burton	Fox
Cagle	Gibson

Graves	Metcalfe
Hamilton	Moffett
Hardin	Monkhouse
Harper	Morris
Harrell	Morse
Harris of Archer	Nicholson
Harris of Dallas	Oliver
Harris of Dickens	Palmer
Heflin	Patterson
Herzik	of Travis
Holland	Petsch
Hoskins	Pope
Huddleston	Powell
Hyder	Prescott
Jackson	Ragsdale
Johnson of Ellis	Reed of Dallas
Johnson	Rhodes
of Tarrant	Riddle
Jones of Angelina	Roark
Jones of Falls	Ross
Jones of Wise	Russell
Keith	Rutta
Kelt	Schuenemann
Kenyon	Sewell
Kern	Sharpe
King	Shell
Knetsch	Smith
Langdon	of Matagorda
Lanning	Smith of Tarrant
Lehman	Stevenson
Leonard	Tarwater
Leyendecker	Tennant
London	Thornberry
Lucas	Thornton
Mays	Waggoner
McConnell	Weldon
McFarland	Worley
McKinney	

Nays—9

Amos	Reed of Bowie
Fielden	Smith of Hopkins
Keefe	Westbrook
Lankford	Wood
Leath	

Absent

Anderson	Mann
Callan	Mauritz
Celaya	McDonald
Davison of Fisher	Patterson of Mills
Dean	Quinn
Fuchs	Reader
Hankamer	Settle
Hanna	Simpson
Harbin	Skaggs
Hartzog	Stinson
Howard	Stocks
Hull	Talbert
Jones of Atascosa	Tennyson
Little	Vale
Loggins	Winfree

Absent—Excused

Farmer	Newton
McKee	

MESSAGE FROM THE SENATE

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 78.

The following have been appointed, on the part of the Senate: Senators Neal, Holbrook, Rawlings, Weinert and Stone.

Adopted

S. C. R. No. 10, Admitting Texas Technological College, Hardin-Simmons University and St. Mary's University to Southwestern Conference.

TO SUSPEND THE RULE TO CONSIDER CERTAIN RESOLUTION

Mr. Ragsdale moved that the Rule, relative to the making of motions to reconsider, be suspended, for the purpose of making a motion to reconsider the vote by which House Simple Resolution No. 48, to make certain additional appropriation for certain committee, was on this morning tabled.

The motion to suspend the Rule was lost.

TO PROVIDE FOR INVESTIGATION OF LEASE OF CERTAIN LAND IN POLK COUNTY, TEXAS

The Speaker laid before the House, for consideration at this time, House Simple Resolution No. 24, To provide for investigation of certain lease of land in Polk County.

The resolution having heretofore been read second time, and referred to the Committee on Public Lands and Buildings.

The Committee on Public Lands and Buildings having recommended the adoption of the resolution, with the following committee amendment:

Amend House Simple Resolution No. 24, by striking out all below the caption and adding in lieu thereof the following:

"Whereas, During this Session of the Legislature the Senate passed a resolution criticizing the Attorney General of this State and the Commissioner of the General Land Office

for filing a certain suit to protect the State's interest, if any, in certain lands; and

Whereas, The facts as represented in the press and on the floor of the Senate and in the said resolution are not altogether true; and

Whereas, These State officials did have sufficient facts for a basis for filing this suit; and

Whereas, The resolution has the effect of not only reflecting upon the sincerity and integrity of these State officials but seriously endangers the public land policy of this State and endangers the Permanent School Fund; and

Whereas, This action on the part of the Senate attempts to change the law of this State by resolution; now, therefore, be it

Resolved by the House of Representatives, That these State officials be commended for properly executing the duties of their office and that they continue to follow the law as written down in our statutes until such time as the Legislature shall see fit to change the law and that they continue their policy of protecting the State's interest in these properties so that such funds recovered may be returned to the Permanent School Fund for the school children of Texas in this or other suits pending now or in the future."

DAVISSON of Eastland.

Mr. Quinn requested a full reading of the resolution.

Mr. Prescott moved to dispense with the full reading of the resolution, at this time.

Mr. Quinn moved to table the motion by Mr. Prescott.

The motion to table was lost.

Question then recurring on the motion by Mr. Prescott, it prevailed.

Mr. Quinn moved to postpone further consideration of the resolution until 10:00 o'clock a. m., tomorrow.

Mr. Davisson of Eastland moved to table the motion to postpone.

The motion to table prevailed.

(Pending consideration of the committee amendment, Mr. Roark occupied the Chair temporarily.)

(Speaker in the Chair.)

Question—Shall the resolution be adopted?

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. C. R. No. 4, To grant B. K. Brewer and wife permission to sue the State.

S. C. R. No. 7, To grant Mrs. John Luttmner permission to sue the State.

H. B. No. 87, "An Act amending Article 7059, Revised Civil Statutes of 1925, as amended by Acts of 1936 of the Forty-fourth Legislature, Third Called Session, page 2040, Chapter 495, Article 4, Section 2 and repealing all laws and parts of laws in conflict herewith and providing that if any portion of said Act is unconstitutional or invalid that same shall not affect any other portion, and declaring an emergency"

S. B. No. 9, "An Act authorizing County Commissioners' Courts to lease or rent office space for the purpose of aiding and cooperating with the agencies of the State and Federal governments engaged in the administration of relief of the unemployed and needy people in the State of Texas, and to pay the regular monthly utility bills for such offices, such as lights, gas and water; to pay for such leases, rentals and utilities out of the County General Fund when in the opinion of a majority of the Commissioners' Court such is essential to a proper administration of such agencies of either the State or Federal governments; providing for the validation of all actions, proceedings, orders and contracts for such rental, lease or utility bills heretofore made by any County Commissioners' Courts; providing that if any part of this Act shall ever be held unconstitutional, such holding shall not affect the validity of the remaining portions of the Act, and declaring an emergency."

S. B. No. 13, "An Act amending Article 6077-C of the Revised Civil Statutes of the State of Texas (Acts, 1933, Forty-third Legislature, First Called Session, page 275, Chapter 110) by clarifying and enlarging the description in Section 4 and adding Section 5A, to remove the additional Public School lands from sale and lease, and Section 6A providing for the man-

agement of public donations by the Texas State Parks Board to acquire acreage within the area, and giving the Board the power to condemn such lands and use the public funds for the purchase of such lands for park purposes, and declaring an emergency."

S. B. No. 11, "An Act validating Independent School District elections assuming indebtedness theretofore apportioned against such districts or a part thereof as a result of its segregation from another Independent School District whether the indebtedness so assumed be the identical proportionate part of the indebtedness owed by the original district at the time of its segregation or an equal amount of indebtedness incurred by a portion of the original district after such segregation, and declaring an emergency."

H. C. R. No. 49, To declare legislative intent in regard to certain bill.

H. C. R. No. 50, To urge the Federal Government to establish a cotton research laboratory.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 15, to the Committee on Highways and Motor Traffic.

Senate Bill No. 23, to the Committee on Appropriations.

BILL ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Alexander, House Bill No. 165 was ordered not printed.

EXTENDING INVITATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read the following communication:

To the Members of the Forty-fifth Legislature:

The Athenaeum Literary Society is holding a smoker tonight in commemoration of its Fifty-fourth Anniversary. The organization was founded one day before the University of Texas was opened and is now holding

a reunion for all old and new members.

Former members of the Athenaeum now serving in the Legislature are specifically invited to be present and see the traditions they established upheld. The meeting will be held in Law Building 105 at 7:30 o'clock tonight, Monday, October 25. The society cordially invites all former members to attend the meeting.

WARREN HUGHES,
President.

RECESS

Mr. Celaya moved that the House adjourn until 10:00 o'clock, a. m., tomorrow.

Mr. Anderson moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Hamilton moved that the House recess until 7:30 o'clock p. m., today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—23

Blankenship	Johnson
Boyer	of Tarrant
Bradford	Jones of Atascosa
Cathey	Lanning
Celaya	Little
Donaghey	McFarland
Hardin	McKinney
Harris of Dallas	Petsch
Hartzog	Pope
Howard	Riddle
Jackson	Schuenemann
Johnson of Ellis	Stevenson

Nays—102

Adkins	Cleveland
Alexander	Colquitt
Alsup	Davis of Haskell
Amos	Davis of Jasper
Anderson	Davison of Fisher
Baker	Davisson
Bates	of Eastland
Beckworth	Deglandon
Bell	Derden
Boethel	Dickison
Bond	England
Bradbury	Felty
Bridgers	Fielden
Broadfoot	Fox
Brown	Gibson
Burton	Graves
Cagle	Hamilton
Carssow	Hanna
Cauthorn	Harbin

Harper	Oliver
Harrell	Palmer
Harris of Archer	Patterson of Mills
Harris of Dickens	Patterson
Herzik	of Travis
Hoskins	Powell
Hull	Prescott
Hyder	Quinn
Jones of Falls	Reed of Bowie
Jones of Wise	Reed of Dallas
Keefe	Rhodes
Keith	Roark
Kelt	Ross
Kern	Russell
King	Rutta
Knetsch	Settle
Langdon	Sewell
Lankford	Sharpe
Leath	Skaggs
Lehman	Smith of Hopkins
Leyendecker	Smith
Loggins	of Matagorda
London	Smith of Tarrant
Lucas	Talbert
Mann	Tennant
Mauritz	Tennyson
Mays	Thornberry
McConnell	Waggoner
McDonald	Weldon
Metcalf	Westbrook
Moffett	Winfree
Monkhouse	Wood
Morris	Worley
Morse	

Absent

Callan	Nicholson
Dean	Ragsdale
Dollins	Reader
Fuchs	Shell
Hankamer	Simpson
Heflin	Stinson
Holland	Stocks
Huddleston	Tarwater
Jones of Angelina	Thornton
Kenyon	Vale
Leonard	

Absent—Excused

Farmer	Newton
McKee	

Question next recurring on the motion to recess until 7:30 o'clock p. m., today, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—70

Amos	Bridgers
Bates	Broadfoot
Beckworth	Brown
Bond	Cathey
Bradbury	Cauthorn
Bradford	Celaya

Cleveland	Mann
Davis of Haskell	Mauritz
Davis of Jasper	Metcalfe
Davison of Fisher	Oliver
Deglandon	Palmer
England	Patterson
Fox	of Travis
Fuchs	Petsch
Hamilton	Powell
Hardin	Quinn
Harper	Rhodes
Harrell	Roark
Harris of Archer	Russell
Holland	Rutta
Hoskins	Settle
Howard	Sewell
Hull	Sharpe
Hyder	Simpson
Johnson of Ellis	Skaggs
Jones of Falls	Smith of Hopkins
Keefe	Smith of Tarrant
Keith	Talbert
Kelt	Tarwater
King	Tennant
Langdon	Tennyson
Lankford	Weldon
Leath	Westbrook
Lehman	Wood
Leyendecker	Worley
London	

Nays—59

Adkins	Jones of Atascosa
Alexander	Kern
Alsup	Knetsch
Anderson	Lanning
Bell	Leonard
Blankenship	Little
Boethel	Loggins
Boyer	Lucas
Burton	Mays
Cagle	McConnell
Carssow	McDonald
Colquitt	McFarland
Davisson	McKinney
of Eastland	Moffett
Derden	Morris
Dickison	Morse
Donaghey	Patterson of Mills
Felty	Pope
Fielden	Prescott
Gibson	Reed of Bowie
Graves	Reed of Dallas
Hanna	Riddle
Harbin	Ross
Harris of Dallas	Schuenemann
Harris of Dickens	Smith
Hartzog	of Matagorda
Heflin	Stevenson
Herzik	Thornberry
Jackson	Thornton
Johnson	Waggoner
of Tarrant	Winfree

Present—Not Voting

Monkhouse

Absent

Baker	Kenyon
Callan	Nicholson
Dean	Ragsdale
Dollins	Reader
Hankamer	Shell
Huddleston	Stinson
Jones of Angelina	Stocks
Jones of Wise	Vale

Absent—Excused

Farmer	Newton
McKee	

The House, accordingly, at 5:30 o'clock p. m., took recess until 7:30 o'clock p. m., today.

NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

MESSAGE FROM THE SENATE

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 133.

The following have been appointed, on the part of the Senate: Senators Van Zandt, Aikin, Cotten, Woodruff and Nelson.

Has passed

S. R. No. 25, Relating to the request of the House for the appointment of a Conference Committee to adjust the differences between the two Houses on House Bill No. 23.

Respectfully,

BOB BARKER,
Secretary of the Senate,

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 69

Mr. Leonard, Chairman, submitted the following Conference Committee Report on House Bill No. 69:

Honorable Walter F. Woodul, President of the Senate.

Honorable R. W. Calvert, Speaker of the House of Representatives.

Sir: We, your Conference Committee to whom was referred House Bill

No. 69 to adjust the differences between the two Houses, have had same under consideration and beg leave to report back the following draft of said bill and recommend its adoption by both Houses.

Respectfully submitted,

NEAL,
MOORE,
WEINERT,
SHIVERS,

On the part of the Senate.

LEONARD,
CELAYA,
VALE,
JONES of Atascosa,
POPE,

On the part of the House.

H. B. No. 69,

A BILL

To Be Entitled

An Act to validate annexation proceedings of Home Rule cities where such annexation proceedings took place prior to April 1, 1930; and validating all proceedings, actions, and contracts and the exercise of dominion and governmental functions over such annexed territory, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That all ordinances and proceedings and all actions, proceedings, and contracts taken or made in pursuance thereof, heretofore undertaken by virtue of Article 1175, Revised Civil Statutes of Texas of 1925, providing for the extension of the corporate limits of Home Rule cities by any city which at such time was acting under a Home Rule charter, and which such ordinances, actions, proceedings, and contracts were undertaken prior to April 1, 1930, are hereby ratified and confirmed, and such extensions of the city limits of such cities so undertaken, as well as all proceedings and contracts taken or made in pursuance thereof and the exercise of dominion and governmental functions over such added territory by extension shall be deemed and held valid in all respects and to the same extent as if done under legislative authority previously given. The provisions of this Act shall apply only to cities having a population of not less than 8,920 nor more than 9,580, according to the last preceding Federal Census.

Section 2. The fact that there are Home Rule cities in the State of Texas which have been exercising city government over annexed territory for a long period of time, and in some cases there is a question as to some such cities having in all things regularly made such annexation that it becomes imperative that all such questions be at this time settled, and the same creates an emergency requiring that the Constitutional Rule requiring bills to be read in each House on three several days be suspended, and said Rule is hereby suspended, and that this Act become in full force and effect upon its passage, and it is so enacted.

On motion of Mr. Leonard, the report was adopted by the following vote:

Yeas—110

Adkins	Hartzog
Alexander	Heflin
Alsup	Herzik
Anderson	Holland
Baker	Hoskins
Bates	Huddleston
Beckworth	Hull
Bell	Hyder
Blankenship	Jackson
Boethel	Johnson of Ellis
Boyer	Jones of Angelina
Bridgers	Jones of Atascosa
Broadfoot	Jones of Falls
Brown	Jones of Wise
Burton	Keefe
Cathey	Keith
Cauthorn	Kelt
Celaya	Kern
Cleveland	King
Colquitt	Knetsch
Davison of Fisher	Langdon
Davisson	Lankford
of Eastland	Lehman
Deglandon	Leonard
Dickison	Leyendecker
Dollins	Little
Donaghey	Loggins
Felty	Lucas
Fielden	Mann
Fox	Mauritz
Fuchs	Mays
Gibson	McConnell
Graves	McDonald
Hamilton	McFarland
Hankamer	Metcalfe
Hanna	Moffett
Hardin	Monkhouse
Harper	Morris
Harrell	Morse
Harris of Archer	Palmer
Harris of Dallas	Patterson of Mills
Harris of Dickens	Pope

Powell	Smith of Hopkins
Prescott	Smith
Quinn	of Matagorda
Reed of Dallas	Stevenson
Rhodes	Stocks
Riddle	Talbert
Roark	Tarwater
Ross	Tennant
Russell	Tennyson
Rutta	Thornberry
Settle	Thornton
Sewell	Weldon
Sharpe	Winfree
Simpson	Worley

Present—Not Voting

Davis of Jasper

Absent

Amos	McKinney
Bond	Nicholson
Bradbury	Oliver
Bradford	Patterson
Cagle	of Travis
Callan	Petsch
Carssow	Ragsdale
Davis of Haskell	Reader
Dean	Reed of Bowie
Derden	Schuenemann
England	Shell
Harbin	Skaggs
Howard	Smith of Tarrant
Johnson	Stinson
of Tarrant	Vale
Kenyon	Waggoner
Lanning	Westbrook
Leath	Wood
London	

Absent—Excused

Farmer	Newton
McKee	

MOTION TO SUSPEND CERTAIN RULES

Mr. Morris moved to suspend all necessary Rules, which relate to the making of motions to instruct Conference Committees after same have been appointed, for the purpose of making a motion to instruct the Conference Committee to adjust all differences between the two Houses on House Bill No. 23.

Mr. Pope raised a point of order, on further consideration of the motion by Mr. Morris, on the ground that the motion is in effect seeking to overrule a former ruling of the Chair, and that same is in conflict with a previous ruling of the Chair on questions of constitutional provision in that same is an attempt to overrule certain constitutional provisions.

The Speaker overruled the point of order.

Mr. Pope raised the further point of order, on further consideration of the motion by Mr. Morris, on the ground that the Conferees have heretofore been instructed by the House, that the vote by which same were instructed was reconsidered and tabled, and also that the motion by Mr. Reader that the Conferees be not further instructed was adopted and the vote thereon reconsidered and tabled.

The Speaker overruled the point of order.

Question recurring on the motion by Mr. Morris to suspend the Rules in order that a motion may be made to instruct the Conference Committee to adjust all differences between the two Houses on House Bill No. 23, yeas and nays were demanded.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—84

Adkins	Holland
Alexander	Hoskins
Alsup	Huddleston
Amos	Hull
Anderson	Hyder
Baker	Johnson
Bates	of Tarrant
Beckworth	Jones of Falls
Bell	Jones of Wise
Bond	Kelt
Bradford	Kern
Bridgers	King
Broadfoot	Langdon
Brown	Lankford
Burton	Lanning
Cathey	Leonard
Cauthorn	Leyendecker
Cleveland	McConnell
Colquitt	McDonald
Davis of Haskell	McFarland
Davis of Jasper	Metcalf
Davison of Fisher	Moffett
Davisson	Monkhouse
of Eastland	Morris
Derden	Oliver
Dickison	Palmer
England	Patterson of Mills
Felty	Powell
Fuchs	Prescott
Graves	Quinn
Hamilton	Ragsdale
Hanna	Reed of Bowie
Harper	Reed of Dallas
Harrell	Rhodes
Harris of Archer	Ross
Herzik	Russell

Rutta	Stocks
Settle	Talbert
Sharpe	Tennyson
Skaggs	Thornberry
Smith of Hopkins	Waggoner
Smith of Tarrant	Westbrook
Stinson	Worley

Nays—53

Blankenship	Leath
Boethel	Lehman
Boyer	Little
Bradbury	Loggins
Cagle	Lucas
Callan	Mann
Celaya	Mauritz
Dean	Mays
Dollins	McKinney
Donaghey	Morse
Fielden	Patterson
Fox	of Travis
Gibson	Petsch
Hankamer	Pope
Harbin	Riddle
Hardin	Roark
Harris of Dallas	Schuenemann
Harris of Dickens	Sewell
Hartzog	Simpson
Heflin	Smith
Howard	of Matagorda
Jackson	Stevenson
Johnson of Ellis	Tennant
Jones of Angelina	Thornton
Jones of Atascosa	Weldon
Keefe	Winfree
Keith	Wood
Knetsch	

Absent

Carssow	Reader
Deglandon	Shell
Kenyon	Tarwater
London	Vale
Nicholson	

Absent—Excused

Farmer	Newton
McKee	

CONCERNING THE APPOINTMENT
OF A CONFERENCE COM-
MITTEE ON HOUSE
BILL NO. 23

Mr. Jones of Wise offered the following resolution:

H. S. R. No. 56, Concerning the appointment of a Conference Committee on House Bill No. 23.

Whereas, The Forty-fifth Legislature is called into extraordinary session for the purpose of raising revenue to pay old age assistance, relief for the needy blind in Texas, relief for

destitute and dependent children, and retirement for public school teachers in Texas; and

Whereas, The House of Representatives, pursuant to such call, has passed a revenue measure sufficient to accomplish such purposes; and

Whereas, The Senate of Texas has placed on such measure an amendment which the presiding officer of the House has ruled not to be constitutionally before the Legislature at this session; and

Whereas, The Senate has placed on such bill other amendments upon which the House seeks the appointment of a Conference Committee to adjust the differences between the two Houses thereon; now, therefore, be it

Resolved, That the House of Representatives again respectfully requests of the Senate the appointment of a Conference Committee on the part of the Senate to adjust said differences between the two Houses in order that the purposes of this session might be accomplished.

JONES of Wise,
FOX,
METCALFE,
LEHMAN,
WESTBROOK,
BOETHEL.

The resolution was read second time.

Mr. Mays raised a point of order, on further consideration of the resolution by Mr. Jones of Wise, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker overruled the point of order.

Mr. Dean raised a point of order, on further consideration of the resolution by Mr. Jones of Wise, at this time, on the ground that the House has heretofore defeated a similar proposition.

The Speaker overruled the point of order.

Mr. Dean moved the previous question on the resolution by Mr. Jones of Wise, and the main question was ordered.

Mr. Pope asked unanimous consent, to add the words "except the Spears amendment".

There was objection offered.

Question recurring on the resolution by Mr. Jones of Wise, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—110

Adkins	Kelt
Alexander	Kern
Alsup	King
Amos	Langdon
Anderson	Lankford
Baker	Lanning
Bates	Lehman
Beckworth	Leonard
Bell	Leyendecker
Blankenship	Loggins
Boethel	London
Bond	Lucas
Bradbury	Mann
Bradford	Mauritz
Bridgers	McConnell
Brown	McDonald
Burton	McFarland
Cagle	Metcalf
Cathey	Moffett
Cauthorn	Monkhouse
Cleveland	Morris
Davis of Haskell	Oliver
Davis of Jasper	Palmer
Davison of Fisher	Patterson of Mills
Davison	Patterson
of Eastland	of Travis
Dean	Powell
Deglandon	Prescott
Derden	Quinn
Dickison	Ragsdale
Dollins	Reed of Bowie
England	Reed of Dallas
Felty	Rhodes
Fox	Roark
Fuchs	Ross
Graves	Russell
Hamilton	Rutta
Hanna	Settle
Harbin	Sewell
Harper	Sharpe
Harrell	Simpson
Harris of Archer	Skaggs
Harris of Dickens	Smith of Hopkins
Herzik	Smith of Tarrant
Holland	Stinson
Hoskins	Stocks
Huddleston	Talbert
Hull	Tarwater
Hyder	Tennant
Johnson of Ellis	Tennyson
Johnson	Thornberry
of Tarrant	Waggoner
Jones of Angelina	Weldon
Jones of Falls	Westbrook
Jones of Wise	Winfree
Keefe	Worley
Keith	

Nays—30

Boyer	Celaya
Callan	Colquitt

Donaghey	Mays
Fielden	McKinney
Gibson	Morse
Hankamer	Nicholson
Hardin	Petsch
Harris of Dallas	Pope
Hartzog	Riddle
Heflin	Schuenemann
Howard	Smith
Jackson	of Matagorda
Jones of Atascosa	Stevenson
Knetsch	Thornton
Leath	Wood
Little	

Absent

Broadfoot	Reader
Carssow	Shell
Kenyon	Vale

Absent—Excused

Farmer	Newton
McKee	

Mr. Dean moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—42

Boethel	McFarland
Boyer	McKinney
Celaya	Monkhouse
Dollins	Morse
Donaghey	Nicholson
Felty	Petsch
Graves	Pope
Hardin	Reed of Bowie
Harris of Dallas	Reed of Dallas
Hartzog	Riddle
Heflin	Schuenemann
Howard	Simpson
Hull	Smith
Jackson	of Matagorda
Johnson of Ellis	Smith of Tarrant
Johnson	Stevenson
of Tarrant	Stocks
Jones of Atascosa	Talbert
Knetsch	Tarwater
Lanning	Thornton
Leonard	Winfree
Little	Wood

Nays—93

Adkins	Beckworth
Alexander	Bell
Alsup	Blankenship
Amos	Bond
Baker	Bradbury
Bates	Bradford

Bridgers	Lankford
Brown	Leath
Burton	Lehman
Callan	Leyendecker
Cathey	Loggins
Cauthorn	London
Cleveland	Lucas
Colquitt	Mann
Davis of Haskell	Mauritz
Davis of Jasper	Mays
Davison of Fisher	McConnell
Davison	McDonald
of Eastland	Metcalfe
Deglandon	Moffett
Derden	Morris
Dickison	Oliver
England	Palmer
Fielden	Patterson of Mills
Fox	Patterson
Fuchs	of Travis
Gibson	Powell
Hamilton	Prescott
Hankamer	Quinn
Hanna	Rhodes
Harbin	Roark
Harper	Ross
Harrell	Russell
Harris of Archer	Rutta
Harris of Dickens	Settle
Herzik	Sewell
Holland	Sharpe
Hoskins	Skaggs
Hyder	Smith of Hopkins
Jones of Angelina	Stinson
Jones of Falls	Tennant
Jones of Wise	Tennyson
Keefe	Thornberry
Keith	Waggoner
Kelt	Weldon
Kern	Westbrook
King	Worley
Langdon	

Absent

Anderson	Kenyon
Broadfoot	Ragsdale
Cagle	Reader
Carssow	Shell
Dean	Vale

Absent—Excused

Farmer	Newton
McKee	

CONCERNING PLACING OF CERTAIN PORTRAIT IN THE HALL OF THE HOUSE

Mr. Leyendecker asked unanimous consent of the House, that he be permitted to hang the portrait of Hon. Don Bacilio Benavides, first Representative of District No. 66, of Webb County, in the Hall of the House.

There was no objection offered, and it was so ordered.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 148, "An Act amending Section 19 (f) of Article 3912e, and being Acts of the Second Called Session of the Forty-fourth Legislature, Chapter 465, page 1762, to make adequate provision for the compensation of Court Reporters appointed by the District or Criminal District Attorney in any county having a population in excess of one hundred ninety thousand (190,000), according to the last preceding Federal Census, and declaring an emergency."

H. B. No. 59, "An Act validating the proceedings of the County Board of School Trustees of Taylor County in annexing the Iberis Common School District No. 38 to Wylie Consolidated Common School District No. 11; fixing the metes and bounds of Wylie Consolidated Common School District No. 11, Taylor County; validating all proceedings had in an election held on the 26th day of June, 1937, on the proposition of assuming the bonds of Wylie Consolidated Common School District No. 11 issued prior to the formation of the present Wylie Consolidated Common School District No. 11, and on the proposition of issuing \$15,000.00 schoolhouse bonds of said Wylie Consolidated Common School District No. 11, and declaring an emergency."

H. B. No. 62, "An Act authorizing, consenting to and granting permission to John Wiese, Lonnie Wiese and Tom Wiese to sue the State of Texas or Highway Department for damage to their land, and declaring an emergency."

H. B. No. 110, "An Act amending Article 1048 of the Revised Civil Statutes of Texas, 1925."

H. B. No. 164, "An Act to amend House Bill No. 52, Chapter 18, Acts of the Forty-third Legislature, Fourth Called Session, so as to provide that the governing body of any city or town having a population of twelve thousand four hundred ten (12,410) inhabitants or less according to the last preceding Federal Census and owning and operating its municipal light system and municipal waterworks system in this State, in making up the annual appropriations of

the income and revenue of any water-works system, electric light plant or system, sewer system, or other public utility system, service or enterprise, now or hereafter owned and operated by any such city or town, shall first provide for maintenance and operating expenses of such system, service or enterprise, etc., and declaring an emergency."

H. B. No. 130, "An Act amending Section 3 of the Uniform Narcotic Drug Act, as enacted by the Forty-fifth Legislature at its Regular Session in 1937 by House Bill No. 440, so as to require any apothecary to obtain a license before supplying narcotic drugs; and by amending said Act further by adding a new section to be numbered Section 24 (a) providing a conviction under said Act may be had on uncorroborated testimony of an accomplice, and declaring an emergency."

H. B. No. 163, "An Act providing the time when mourning doves and white-winged doves may be shot in Wise, Collin, Denton and Montague Counties; making certain exceptions; fixing the bag limit and possession limit of same; fixing the hours for shooting and making regulations for shotguns that may be used for shooting migratory birds and other game birds; providing a penalty for the violation of any such regulations; repealing all laws in conflict with any section of this Act, and declaring an emergency."

H. B. No. 113, "An Act granting Frank Dees and Mrs. George Armstrong, and husband George Armstrong, of Brewster County, Texas, permission to bring suit against the State of Texas and the State Highway Department, in the District Court of Brewster County, Texas, for damages sustained to their property by the construction of roadbed and culverts adjacent to their land upon State Highway Number 3, in Brewster County, Texas; impounding water on such land, washing and destroying said land; providing that such suit may be filed within two (2) years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit, and declaring an emergency."

RECESS

Mr. Moffett moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Metcalfe moved that the House recess until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—32

Adkins	Lanning
Anderson	Leonard
Bradbury	McFarland
Davis of Haskell	McKinney
Dean	Moffett
Dickison	Nicholson
Felty	Petsch
Gibson	Quinn
Harris of Archer	Schuenemann
Harris of Dallas	Simpson
Holland	Smith
Jackson	of Matagorda
Johnson of Ellis	Stevenson
Johnson	Tennant
of Tarrant	Tennyson
Jones of Atascosa	Waggoner
Knetsch	Worley

Nays—89

Alsup	Harrell
Baker	Harris of Dickens
Bates	Heflin
Beckworth	Herzik
Bell	Huddleston
Blankenship	Hyder
Boethel	Jones of Angelina
Bond	Jones of Falls
Boyer	Jones of Wise
Bradford	Keefe
Bridgers	Keith
Broadfoot	Kern
Brown	King
Burton	Langdon
Cagle	Lankford
Callan	Leath
Cathey	Lehman
Cauthorn	Leyendecker
Cleveland	Little
Colquitt	Loggins
Davis of Jasper	Lucas
Davisson	Mann
of Eastland	Mauritz
Deglandon	Mays
Derden	McConnell
Donaghey	McDonald
England	Metcalfe
Fox	Morris
Fuchs	Morse
Graves	Oliver
Hamilton	Patterson of Mills
Hankamer	Patterson
Harbin	of Travis
Hardin	Pope
Harper	Powell

Prescott	Skaggs
Reed of Bowie	Smith of Tarrant
Reed of Dallas	Stinson
Rhodes	Talbert
Riddle	Tarwater
Roark	Thornberry
Ross	Weldon
Russell	Westbrook
Rutta	Winfree
Sewell	Wood
Sharpe	

Absent

Alexander	Kenyon
Amos	London
Carssow	Monkhouse
Celaya	Palmer
Davison of Fisher	Ragsdale
Dollins	Reader
Fielden	Settle
Hanna	Shell
Hartzog	Smith of Hopkins
Hoskins	Stocks
Howard	Thornton
Hull	Vale
Kelt	

Absent—Excused

Farmer	Newton
McKee	

Question then recurring on the motion to recess until 10:00 o'clock a. m., tomorrow, it prevailed, and the House, accordingly, at 9:10 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

APPENDIX**STANDING COMMITTEE REPORTS**

The following committees have filed favorable reports on bills, as follows:

Agriculture: House Bill No. 166.

Education: Senate Bill No. 16.

Game and Fisheries: House Bill No. 165; Senate Bill No. 25.

Municipal and Private Corporations: House Bill No. 168.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, October 22, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 44, Granting Russ Mitchell, Inc., permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, October 22, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 164, A bill to be entitled "An Act to amend House Bill No. 52, Chapter 18, Acts of the Forty-third Legislature, Fourth Called Session, so as to provide that the governing body of any city or town having a population of twelve thousand, four hundred and ten (12,410) inhabitants or less, according to the last preceding Federal Census, and owning and operating its municipal light system and municipal waterworks system in this State, in making up the annual appropriations of the income and revenue of any waterworks system, electric light plant or system, sewer system, or other public utility system, service, or enterprise, now or hereafter owned and operated by any such city or town, shall first provide for maintenance and operating expenses of such system, service, or enterprise, shall then provide for payment of principal and interest of any indebtedness outstanding against such system, service, or enterprise, and may then make such appropriations as remaining income and revenue of such system, service, or enterprise may justify, to be appropriated among respective departments of the municipal government, or otherwise appropriated for public uses, as such governing body may deem best; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, October 22, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 129, A bill to be entitled "An Act to amend Article 5559, Title 92, of the Revised Civil Statutes of Texas, 1925, relating to record of proceedings and notice in lunacy proceedings, so as to provide that the County Clerk shall be required to enter in the minutes of the court only the judgments of the court rendered in lunacy proceedings; providing for the commitment and confinement of insane persons, and the manner thereof; the furnishing of a transcript of the proceedings relating

thereto; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, October 22, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 29, Granting the Tyler Pipe Line Co., permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 121, A bill to be entitled "An Act to amend Section 3, 6, 7, 8, 9, 10, 13, 18, 20, and 24 of Article 2997a of the Revised Civil Statutes of Texas, 1925, and being Chapter 33 of the General and Special Laws of the Forty-first Legislature, Fourth Called Session, by providing that the Commissioners Court of any county in the State of Texas may adopt for use in elections and primary elections in at least three (3) of the larger voting precincts in voting strength in said county any kind of voting machine approved by the Secretary of State and may adopt said voting machines at any time for use in such additional voting precincts in the county as it may deem advisable, and thereupon such voting machines shall be used at any and all elections and primary elections, municipal, county, district or State, and all school and bond elections; providing for the payment of voting machines in such county; providing that such Commissioners Court is authorized to issue bonds, certificates of indebtedness, or other obligations to be used for the purpose of paying for voting machines; providing that such bonds, certificates of indebtedness, or other obligations, may be issued with or without interest, payable at such time or times, as the Commissioners Court may determine

but shall never be issued nor sold for less than par; providing that the necessary tax shall be set aside at the time of creating such obligations so as to meet the debt obligations of the Constitution; providing for the Commissioners Court to contract for the renting of voting machines for a term not more than two (2) years and to renew and extend same and to accept proposals of rental and/or sale of voting machines wherein the rental may be applied upon the purchase price of such machines upon the determination of such Court to purchase same; providing that such voting machines shall be the property of the county paying for same, and when used in any election or primary election which the county is not charged by law the holding of, such machines shall be leased to the authorities charged with holding such election or primary election, and payment shall be received by the county at such lease price per machine each election day such machines are used in an election as the Commissioners Court shall fix but not to exceed ten (10) per cent of the original cost of such voting machines as may be required to hold each election or primary election; providing that the term each election or primary election, as herein used, shall mean each election day such machines are used for voting purposes, and the Commissioners Court in fixing such lease price shall fix a lease price and payment for the same shall be received by the county for each day said machines are actually used for voting in such election or primary election; and in the event a runoff election or primary runoff election is held, said lease price shall be paid to the county for each, the first election or primary election, and the second and/or runoff election or second and/or runoff primary; and providing that those charged with holding of such election or primary election shall pay the lease price; providing that in counties in which voting machines are used a voting machine shall be placed in the County Clerk's office, if an election held at the expense of the county or a primary election, or if a city election in the city or town secretary's office, and in other elections in a designated public place, and those entitled by and under the law shall cast their votes on such machines and/or machine under the laws now applicable to absentee voting; provid-

ing for the sealing of the machine and/or machines at the close of the day's voting and the breaking of the seal the following morning when voting shall begin; providing that when absentee voting is legally concluded, such voting machine shall be locked and sealed in the manner prescribed for the other precincts to be kept intact until 7:00 a. m. of the day of election or primary election, when the machine shall be opened and the votes canvassed by the election board holding such election as provided by law in the presence of authorized watchers for all persons interested, if any, and the result returned in the same manner as for other voting precincts; providing that if such election be a primary election, that such machine shall be opened and the vote canvassed by the Chairman and the Executive Secretary of the Executive Committee of the political party holding said primary; providing that upon such returns being made such machine and/or machines shall be immediately prepared and set for voting as provided by law and shall be used, if necessary, in any voting precinct of such election or primary election, then being held; providing for the form of ballots on voting machines; providing that the authorities charged with holding the election or primary election may provide for each precinct sample ballots; providing for the preparation of voting machines, for voting, and providing that the inspection and sealing of voting machines shall begin within five (5) days of the day before any election or primary election in which such machines are to be used; providing that it shall be the duty of the Sheriff in an election which the county is charged with the expense of and the duty of the County Chairman in the primary election, the Mayor in a city election, the President of a School Board in a school election, and the duty of the authority holding said election or primary election of any character to have delivered a voting machine or machines to each and every polling place where same is required by law to be used, at least one hour before the time set for the opening of the polls of such precinct; providing that the authorities shall cause to be delivered with each such machine a lantern properly prepared to be lighted in emergency; providing that the protective hood and screen of the machine shall be examined to see

that they conceal the actions of the voter properly while such voter is operating the machine; providing that all poll lists and necessary supplies shall be delivered to the presiding officer at the same time the key or keys to the machine are delivered; providing that the presiding officer shall be in general charge of the poll and shall see that one or more of the clerks of the election properly check off the name of each voter from the poll list before such voter casts his vote; providing that the poll tax certificate or exemption certificate of the voter is stamped "voted"; providing that, if no rubber stamp is provided under the law, the word "voted" be written with the date with pen and ink; providing that it shall further be the duty of one of such clerks to see that the voting machine is not tampered with and shall attend the machine at all times; providing that he shall inspect the ballot labels after each voter leaves the machine to see that none have been tampered with and to see that the machine has not been injured; providing that he shall see that the coverings of the counter compartments of the machine are never allowed to be open so the counters are exposed during the voting; providing for a canvass of the vote and proclamation of the result; providing for the preservation of ballots and records of voting machines; providing that the voting machines shall remain locked against voting for a period of ten (10) days and then shall have the seal broken only on the order of a district judge having jurisdiction in that county; providing that the authorities charged with holding an election or primary election are directed wherever possible in the naming of election officers to name for each precinct the presiding officer and a clerk for such precinct of opposed interest in that election or primary election, the third official also a clerk, who should be wherever possible non-partisan; providing that each political party concerned in an election is entitled to name one watcher for each voting precinct; providing for the naming of one watcher for each precinct in an election or primary election; providing for the pay of election officials and employees, such election officials and employees to be paid a sum to be set by the authority charged with holding the election or primary election, but not less than the amount set now by

law, and not more than Ten (\$10.00) Dollars per day; providing that no election official shall be paid more than the prorata part of two (2) hours overtime after the polls have closed; providing that watchers may be paid by the interests they represent but not to exceed Ten (\$10.00) Dollars per day; provided, however, that the authority holding such election shall not pay for the services of such watchers; providing for the repeal of all laws or parts of laws in conflict herewith to the extent of such conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 22, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 140, "An Act declaring it unlawful to take, hunt, or kill deer or wild turkey in Fannin and Polk Counties for a period of five (5) years; prescribing a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 22, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 71, "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, relative to the compensation and salary to be paid County Auditors in certain counties; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 87, "An Act amending Article 7059, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1936, Forty-fourth Legislature, Third

Called Session, page 2040, Chapter 495, Article IV, Section 2; and repealing all laws and parts of laws in conflict herewith; and providing that if any portion of said Act is unconstitutional or invalid, that same shall not affect any other portion, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 49, To declare the legislative intent in enacting Senate Bill No. 5, Second Called Session, Forty-fourth Legislature and amendments thereof.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 113, "An Act granting Frank Dees and Mrs. George Armstrong and husband, George Armstrong, of Brewster County, Texas, permission to bring suit against the State of Texas and the State Highway Department, in the District Court of Brewster County, Texas, for damages sustained to their property by the construction of roadbed and culverts adjacent to their land upon State Highway Number 3, in Brewster County, Texas; impounding water on such land, washing and destroying said land; providing that such suit may be filed within two (2) years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 110, "An Act amending Article 1048 of the Revised Civil

Statutes of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 164, "An Act to amend House Bill No. 52, Chapter 18, Acts of the Forty-third Legislature, Fourth Called Session, so as to provide that the governing body of any city or town having a population of twelve thousand, four hundred and ten (12,410) inhabitants or less, according to the last preceding Federal Census, and owning and operating its municipal light system and municipal waterworks system in this State, in making up the annual appropriations of the income and revenue of any waterworks system, electric light plant or system, sewer system, or other public utility system, service, or enterprise, now or hereafter owned and operated by any such city or town, shall first provide for maintenance and operating expenses of such system, service, or enterprise, shall then provide for payment of principal and interest of any indebtedness outstanding against such system, service, or enterprise, and may then make such appropriations as remaining income and revenue of such system, service, or enterprise may justify, to be appropriated among respective departments of the municipal government, or otherwise appropriated for public uses, as such governing body may deem best; providing this Act shall not apply to municipally owned utilities or enterprises, the income from which has heretofore been pledged to secure the payment of bonds or other indebtedness; provided that nothing herein shall restrict the power and authority of any such city or town to issue bonds, notes, or warrants payable from revenues other than taxation for the purposes in the manner, and under the restrictions and limitations provided by the laws of this State relating to the issuance of such obligations; providing that all the provisions of such laws shall apply to and govern any such city or town and the governing authorities thereof, except as herein otherwise provided; providing for the submission hereof

to a vote of the resident property taxpayers who are qualified voters of such city or town; providing that nothing in this Act shall ever be construed to repeal or modify any of the provisions of Article 1112, of the Revised Civil Statutes of Texas, of 1925, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 163, "An Act providing the time when mourning doves and white-winged doves may be shot in Collin, Dallas, Delta, Denton, Franklin, Haskell, Hopkins, Hunt, Jack, Johnson, Kaufman, Montague, Parker, Rockwall, and Wise Counties; making certain exceptions; fixing the bag limit and possession limits of same; fixing the hours for shooting and making regulations for shotguns that may be used for shooting migratory birds and other game birds; providing a penalty for the violation of any such regulations; repealing all laws in conflict with any Section of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 62, "An Act authorizing, consenting to, and granting permission to John Wiese, Lonnie Wiese, and Tom Wiese to sue the State of Texas and the State Highway Department of the State of Texas for damages to their land; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 59, "An Act validating the proceedings of the County Board of School Trustees of Taylor County

in annexing the Iberis Common School District No. 38 to Wylie Consolidated Common School District No. 11; fixing the metes and bounds of Wylie Consolidated Common School District No. 11, Taylor County; validating all proceedings had in an election held on the 26th day of June, 1937, on the proposition of assuming the bonds of Wylie Consolidated Common School District No. 11 issued prior to the formation of the present Wylie Consolidated Common School District No. 11, and on the proposition of issuing Fifteen Thousand (\$15,000.00) Dollars of schoolhouse bonds of said Wylie Consolidated Common School District No. 11, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 50, Urging the Federal Government to establish a well equipped cotton research laboratory or cotton research institute.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 148, "An Act amending Section 19 (f) of Article 3912e, also known as Section 19 (f) of Acts of the Second Called Session of the Forty-fourth Legislature, Chapter 465, page 1762, to make adequate provision for the compensation of court reporters appointed by the district or criminal district attorney in any county having a population of not less than two hundred and ninety thousand (290,000) nor more than three hundred and twenty thousand (320,000) in-

habitants, according to the last preceding Federal Census, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, October 25, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 130, "An Act amending Section 3 of the Uniform Narcotic Drug Act, as enacted by the Forty-fifth Legislature at its Regular Session in 1937 by House Bill No. 440, so as to require any apothecary to obtain a license before supplying narcotic drugs; and amending said Act further by adding a new section to be numbered Section 24 (a) providing a conviction under said Act may be had on uncorroborated testimony of an accomplice, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

BILLS AND RESOLUTIONS SENT TO THE GOVERNOR

October 23, 1937

House Bill No. 143.
House Bill No. 98.
House Bill No. 114.
House Bill No. 153.
House Bill No. 108.
House Bill No. 107.
House Bill No. 116.
House Bill No. 138.
House Bill No. 126.
House Bill No. 123.
House Bill No. 152.
House Bill No. 127.
House Bill No. 49.
House Concurrent Resolution No. 14.

October 25, 1937

House Bill No. 140.
House Bill No. 71.
House Bill No. 121.
House Bill No. 87.
House Concurrent Resolution No. 49.

In Memory of Hon. Sam E. Johnson

Mr. Cleveland offered the following resolution:

H. S. R. No. 53, In memory of Hon. Sam E. Johnson.

Whereas, The House of Representatives has learned with regret of the death of Honorable Sam E. Johnson on the twenty-third day of October, 1937; and

Whereas, The Honorable Sam E. Johnson was a valuable Member of the House of Representatives for a period of twelve years and rendered a distinguished service to his State; and

Whereas, He was an honored and valuable citizen of Blanco County, having been an active leader in important civic affairs as well as the matters of State, and his death is recognized as a distinct loss to his community and his State; now, therefore, be it

Resolved by the House of Representatives, That the Members thereof deeply regret the passing of this distinguished and public-spirited citizen, and extend our sincere sympathy to his bereaved family and to his son, our distinguished Congressman from this District, Lyndon Johnson; and, be it further

Resolved, That a copy of this resolution be spread upon the House Journal of today, in memory of the deceased, and when the House adjourns today that it do so in respect and in memory of the Honorable Sam E. Johnson; and, be it further

Resolved, That the Chief Clerk of the House of Representatives be instructed to forward a copy of this resolution to the members of the family of Honorable Sam E. Johnson.

CLEVELAND,
GRAVES,
FOX,
THORNBERRY,
LEHMAN,
FUCHS,
PATTERSON of Travis,
RIDDLE,
PETSCH,
DEGLANDON.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Anderson, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridges, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davison of Eastland, Dean, Derden, Dickison, Dollins, Donaghey, England, Farmer, Felty, Fielden, Gibson, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornton, Vale, Waggoner, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Patterson of Travis, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.